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CENTRE FOR
HOUSING EVIDENCE**

Domestic abuse and housing

Policy in focus since the COVID-19 pandemic

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Executive summary

The COVID-19 pandemic and resultant stay-at-home orders dramatically highlighted the problematic nature of 'home' for victim-survivors of domestic abuse, with policymakers and the media recognising the risks posed to victim-survivors by the increased time spent with their abuser and restricted access to support networks. Research uncovered worsening incidents of domestic abuse across the UK, and practitioners noted concerns with reduced efficacy of service provision when moving to online working. It is evident, then, that the pandemic 'hit home' the connection between domestic abuse and housing.

This report is the second and final report from this project. The project seeks to understand how the domestic abuse and housing policy domains have connected and shifted over time and how COVID-19 has affected those connections. Our first report – *Domestic Abuse and Housing Connections and Disconnections in the pre-COVID-19 policy world* – focused on these developments in the pre-pandemic period in the four nations of the UK. This report turns attention to policy development since the pandemic, specifically the period from March 2020 to December 2021, and with a focus on Scotland and England only.

A mix of documentary analysis and interviews were undertaken to inform this report. Interviews were conducted with key stakeholders from Scotland and England involved in different ways at the interface between domestic abuse and housing policy.

The report begins with a summary of the nature and extent of connectivity between domestic abuse and housing policy in Scotland and England before the COVID-19 pandemic. From there, an overview and analysis of key domestic abuse and housing policy developments that were 'live' at the outset of the pandemic are considered in the Scottish and English contexts, respectively. Emergency responses to the pandemic in housing, domestic abuse and the interface between the two policy spheres are then examined. Finally, stakeholders' views about the broader impacts of the pandemic on policy development are considered, setting out their policy priorities for the future. Concluding reflections are then offered.

Policy connectivity between housing and domestic abuse in Scotland and England

Prior to the pandemic, connectivity between domestic abuse and housing policy had been limited and, indeed, could also be characterised by tensions. Substantive progress had, however, been made in the period preceding the pandemic in both Scotland and England. Nonetheless, in each context concerns and challenges remained.

The research identified substantial policy developments at Scotland's domestic abuse and housing interface since 2019, arguably catalysed by the 2015 *Why should we have to move everywhere and everything because of him* report, known as the WHIR report. A significant part of this policy change is driven by the *Domestic Abuse (Protection) Scotland Act* which more closely connects domestic abuse and housing. This legislation has furthered the 'stay put' agenda identified by the WHIR report as it seeks to support victim-survivors to remain in their homes. It has shifted the balance of social housing tenancy rights in favour of victim-survivors. While stakeholders considered this legislative change as a significant and positive development, some also cited implementation concerns with the *2021 Act*.

In addition to this legislative progress, two working groups were established independently of one another, but in the same time frame. The first, the Scottish Government working group – tasked with considering how Scotland could improve housing outcomes for women and children experiencing domestic abuse – is co-chaired by the Chartered Institute of Housing (CIH) Scotland and Scottish Women's Aid (SWA). Secondly, the Homelessness Prevention Review Group was established to make policy recommendations for preventing homelessness across several groups, including victim-survivors of domestic abuse.

The groups had limited overlap in their membership although between-group communications ensured a degree of connectivity. Nonetheless, stakeholder interviews indicated that some tension remained between the two working groups and policy spheres and it is evident that the groups worked primarily in parallel rather than in concert, despite making important recommendations on areas of mutual interest. These recommendations included supporting victim-survivors to remain in their homes, aligned to the 'stay put' agenda, and providing guidance and protocols for social landlords to address and respond to housing issues relating to domestic abuse. A positive development is that the Scottish Government has accepted recommendations from both groups with significant consequences across the interface of domestic abuse and housing.

In relation to policy change in Scotland, the pandemic increased awareness of the issue of domestic abuse and may have encouraged the government to act more quickly on policy interventions. However, the groundwork for reform was in place years prior to the pandemic, laid by organisations across the sectors. Further, most stakeholders did not feel that the pandemic catalysed the resolution of long-standing tensions. Therefore, the pandemic did not bring about significant policy change at the interface of domestic abuse and housing, though it may have helped embed change already in progress.

Similarly, the research determined that significant policy developments have been made within the English context. The *Domestic Abuse Act England and Wales (2021)* extends the definition of what constitutes abusive behaviour, broadening it beyond previous definitions that stressed physical violence. Crucially, this legislation also creates a statutory requirement for local authorities to provide victim-survivors of domestic abuse with accommodation-based support. Further, it addresses two key issues at the interface of domestic abuse and housing: homelessness and shifting the balance of tenancy rights in the social housing sector towards victim-survivors. In addition to this legislation, the Office of the Domestic Abuse Commissioner was established, which stakeholders clearly identified as a positive development. Importantly, grassroots initiatives, driven by organisations like the Domestic Abuse Housing Alliance (DAHA) and Standing Together against domestic abuse, have been central to increasing connectivity between domestic abuse and housing across the country.

Despite these developments, concerns remained across the sectors regarding Government-led initiatives, highlighting challenges in the implementation of the provisions within the *2021 Act* and shortcomings within the accompanying Guidance. In particular, concerns were raised about the failure of the Guidances to adopt a gendered approach to addressing domestic abuse; its exclusion of consideration for migrants and individuals with No Recourse to Public Funds (NRPF); and limited engagement with the Whole Housing Approach¹.

Arguably, in relation to English policy, the pandemic increased awareness of domestic abuse and bolstered connectivity between the housing and domestic abuse policy spheres. However, its overall impact on policy change is not yet clear. The research found that, despite persistent limitations and challenges, the growing interface between domestic abuse and housing policy development is undergirded by strong relationships and consensus-building, developed over time across actors in both sectors.

¹ The Whole Housing Approach was conceived to bring about and evidence the need for domestic abuse to be viewed as a cross-tenure, systemic issue and to develop inter-agency action to address housing-related domestic abuse issues across all tenures.

Broader impacts of the pandemic

In response to the pandemic, several key emergency initiatives were developed across both the housing and domestic abuse spheres in Scotland, England and UK-wide. The Scottish Government established a Social Housing Resilience Group, whose mandate centred on addressing social housing challenges arising as a result of the pandemic. Important strides were made in recognising the risk of lockdown measures to victim-survivors and providing accommodation for individuals with NRPF – previously excluded from Scotland’s set of housing rights – on public health grounds. Further, guidelines were developed for housing providers on issues including NRPF. Within these crisis responses, there is limited evidence of connectivity between the domestic abuse and housing policy spheres, which may result from the rapidity with which policies were developed as well as reflect pre-existing disconnects.

Over the pandemic period, housing policy in England made some connections with domestic abuse, though documentary analysis concluded that these connections weakened as lockdown restrictions eased. Domestic abuse policies were less connected to housing, though there was recognition of the need for inter-agency working more broadly. Notably, language developed in England that supports victim-survivors to remain in their homes, echoing the ‘stay put’ agenda being advanced in Scotland.

There were several initiatives implemented UK-wide in response to pandemic lockdowns. These programmes, which, amongst other things, engage with pharmacies to create safe spaces and establish telephone hotlines, suggest an increasing awareness of domestic abuse and the complexities and challenges victim-survivors face in navigating routes out of abuse, especially within the context of stay-at-home mandates.

As indicated, the analysis identified only limited impacts of the pandemic on specific policies already being developed in the Scottish and English policy contexts between March 2020 and December 2021. It is nonetheless clear that COVID-19 brought increased awareness and understanding of the complexities and challenges of ‘home’ for victim-survivors of domestic abuse. Despite a significant emergency response seeking to support victim-survivors from both the housing and domestic abuse sectors, there was, however, little collaboration in developing and implementing the response.

Stakeholders identified broader impacts of the pandemic on the domestic abuse and housing policy process:

- **Awareness and understanding of domestic abuse.** Nearly all stakeholders felt that the pandemic substantially increased awareness of domestic abuse amongst the public, the media and policymakers.
- **Policy impacts.** There was less consensus amongst stakeholders on the policy impacts of the pandemic. While there it was suggested that the pandemic may have increased the urgency of the policy development process, the majority of stakeholders emphasised that the ongoing process of policy development in key areas preceding the emergence of COVID-19.
- **Collaboration between the domestic abuse and housing sectors.** In both Scotland and England, research participants noted improved communication and increased access to strategic actors at high levels in the policy process due to the pandemic. Most stakeholders felt optimistic about collaboration and inter-sectoral working moving forward. However, challenges and concerns were highlighted about maintaining specialist domestic abuse services as housing providers become more engaged with domestic abuse approaches.

Views of future connectivity between domestic abuse and housing policy among participants varied. Some participants were optimistic about the lasting impact of the pandemic on the connectivity between domestic abuse and housing policy spheres. However, others noted slowing momentum as the pandemic response has eased. Further, concerns were shared about the ongoing capacity of the housing sector to adopt the changes needed to address issues of domestic abuse successfully.

Similarly, there were divided views on the pandemic's impact and resultant increased domestic abuse profile on the adoption of a gendered understanding of its causes and consequences. In Scotland, there was some optimism that increased cross-departmental working at national government level may foreground a stronger gendered perspective being embraced at this and other levels of the policy process.

It was also noted that continued policy development that moves beyond the current legislative focus on social housing in the domestic abuse sphere is underway. DAHA is undertaking work to engage with the Private Rented Sector. While this direction of travel is less apparent in Scotland, the Scottish Government working group has clarified this aim in their work.

Stakeholders noted that the long-term outcomes of policy and legislative developments implemented during the pandemic are not yet clear, with interviewees in England and Scotland identifying areas for further improvements. Finally, participants highlighted the need for more collaborative working between the four nations of the UK to develop a coherent approach to policy connectivity.

This report demonstrates substantive progress in domestic abuse and housing policy across England and Scotland in the periods before and since the emergence of COVID-19. However, it notes that discussion regarding questions of housing supply, affordability and quality are largely absent from this agenda. It argues that ongoing developments regarding the Whole Housing Approach, stay put agenda, and gendered approach to domestic abuse and housing are essential. It concludes that while significant work remains to be done; it is now beyond dispute that sustainable routes out of domestic abuse are understood to require effective housing pathways and long-term solutions for victim-survivors in all tenures.

1. Introduction

1.1 Background

The early stages of the COVID-19 pandemic and its resultant 'lockdown' policies brought the issue of domestic abuse to the fore in media and policy discussions. In particular, in the UK and internationally, the concept of 'staying at home' began to be understood as highly problematic for those experiencing domestic abuse. For those experiencing abuse at the hands of a partner that they lived with, lockdown meant not only increased time spent in the family home but also isolation from existing support networks: contact with friends and family outside the home was not allowed; and formal opportunities for disclosure and support were compromised by a move to online working. The shift to online working and delivery of services presented further challenges for victim-survivors, including lacking access to the necessary technology, the "unsuitability of their home environment" for engaging with services, and concerns about reduced service efficacy noted by practitioners themselves (Shaw, 2020: no page). In the very early days of lockdown, the impact of increased isolation on levels of abuse were being reported. McDonald (2020), writing in the Guardian, for example, reported on a BBC Panorama investigation which found that "[t]wo-thirds of women in abusive relationships have suffered more violence from their partners during the pandemic". In the same vein, Slack and Newberry (2020), writing for the BBC, reported that the national domestic abuse helpline, run by Refuge, experienced "a 10-fold increase in visits to its website" in the two weeks to 26 May 2020.

We can, therefore, say that the pandemic hit home the connection between domestic abuse and housing.

1.2 Our wider project and this report

This report is part of a wider project concerned with understanding how these two policy domains connect and shift over time and how COVID-19 has affected those connections. At the point at which the first national lockdown began in March 2020, there was already significant policy development underway in relation to domestic abuse in the four nations of the UK. In our first report – *Domestic Abuse and Housing Connections and Disconnections in the pre-Covid-19 policy world* (Hastings et al., 2021) – we set out details of these live policies and identified the nature and extent of domestic abuse and housing policy connectivity in the period prior to the pandemic. We demonstrated that, whilst there were some important connections already in place between housing and domestic abuse policy, these connections varied across the four nations of the UK and, where strong, were much better established in relation to those designated homeless or living in, or having to escape to, social housing rather than for the private rented sector or for those in owner-occupied homes. It is important to note that even where links between housing and domestic abuse policy were found to be strong, Black and minoritised women have faced additional challenges in engaging with services and securing accommodation before and during the COVID-19 pandemic (Banga and Roy, 2020). Within both policy domains there was evident recognition of the need for better and broader connectivity.

We concluded the work examining housing and domestic abuse connectivity pre-pandemic with a panel discussion with cross domain stakeholders. This provided an opportunity to test our findings and to shape the focus of our subsequent research.

In this report we move our attention to the period from March 2020 to December 2021 and provide a richer analysis of connectivity in two nations of the UK: Scotland and England. Within this we consider those policies and legislation live at March 2020. In Scotland we consider:

- the Domestic Abuse Protection Scotland Act 2021
- the work of the Scottish Government working group established to examine housing outcomes for women and children experiencing abuse
- the work of the Homelessness Prevention Review Group tasked with examining multiple causes of homelessness including domestic abuse
- and, plans for updating guidance on Equally Safe (Scotland's cross-cutting strategy for preventing violence against women and girls).

In England we look at:

- the Domestic Abuse Act England & Wales, 2021
- the establishment of the Office of the Domestic Abuse Commissioner
- the work of the Domestic Abuse Housing Alliance National Housing Policy and Practice Group;
- and the progress with the Whole Housing Approach.

In addition, in each country we also consider a range of policy initiatives introduced, or pre-existing ones revised, as part of the emergency response to the pandemic.

In relation to each policy, we had two sets of questions:

- a.** In what ways does the substance of the policy development connect domestic abuse and housing?
- b.** What, if any, impact did the COVID-19 pandemic have on the processes of policy development?

The research on which this report is based involved a mix of documentary analysis and interviews with a range of key stakeholders involved in different ways at the interface between domestic abuse and housing policy in Scotland and England.

Our approach to documentary analysis involved close reading, extraction of data relating to key terms and key word searches. This is further detailed in Hastings et al., 2021. This approach was applied to policies live in March 2020 and for those developed since. The documentary analysis allowed the team to develop a clear understanding of the main components of each policy and how each had progressed during the pandemic prior to the commencement of the key stakeholder interviews.

Seventeen interviews with a range of key actors were conducted. Interviewees were selected for their close involvement with one or more of the policies under development during the pandemic. Ten interviews were conducted with actors who primarily had experience of the Scottish context (four housing specialists, five domestic abuse specialists and one operating at the nexus between the two). In England we interviewed seven key actors (two with housing expertise, two within the domestic abuse domain and three operating across the two policy domains). Interviews centred on discussing the specific policies underway. They also asked for the views of participants more generally on the nature and extent of policy connectivity prior to the pandemic and about how they saw connectivity developing in the future, particularly as a consequence of the impacts of the pandemic. The Scottish and English research was conducted sequentially – the Scottish work was conducted in the summer 2021, with some later updating of policy developments prior to writing this report, and the English work in autumn/winter of 2021. To aid anonymity, stakeholders are referred to in the report by number and by policy domain.

A note about language use

We recognise that the language around domestic abuse is highly contentious and freighted with implicit assumptions (including the term domestic abuse itself). We try to use terms lightly and have opted to use the term Domestic Abuse (DA) (rather than violence) in recognition of broadened policy definitions. We use the compound survivors-victims to pay heed to the sensitivities associated with assumed individual identities.

A note about a gender perspective

As with most researchers working in the DA field, we approach DA from a gender-based perspective which recognises how structured gender inequalities permeate the conduct of DA and how it is recognised and tackled.

1.3 Structure of the report

The remaining chapters of this report are structured as follows:

Chapter two summarises the nature and extent of connectivity between domestic abuse and housing policy in the pre-pandemic period in Scotland and England. The chapter sets the context of policy connectivity for the developments that have taken place since the pandemic got underway.

Chapter three focuses on policies relevant to the domestic abuse/housing interface that were 'live' in Scotland as the pandemic struck. The chapter provides details and analysis of key policies, considering if and how policy connectivity has developed since the pandemic started. It also identifies any specific impacts of the pandemic on the substance of the policy and/or on the associated policy process.

Chapter four focuses on policies live in England, in a similar vein to the chapter above.

Chapter five describes the emergency responses to the pandemic in relation to housing policy, domestic abuse policy and the intersection between the two.

Chapter six discusses the views of the key stakeholders about the broader impacts of the pandemic on policy thinking at this interface and also summarises their reflections on future policy priorities in this area.

Chapter seven provides some brief concluding reflections.

2. How connected were domestic abuse/housing policy agendas prior the pandemic in Scotland and England?

This chapter provides an overview of the nature and degree of connectivity between domestic abuse and housing policy in Scotland and England prior to the onset of the pandemic in March 2020. This issue was considered in depth in our previous report (Hastings et al., 2021) drawing on policy documents and relevant literature. This chapter both summarises this previous analysis, but also – importantly – deepens the analysis through providing the views of key stakeholders.

The chapter considers the history of policy connectivity in separate sections for Scotland and England. Each section discusses the nature and focus of connectivity, including where connections seem to be limited or missing. Each focuses on the five-year period 2015-2020, aiming to capture the broad 'direction of travel' within this period. As later chapters evidence, when the pandemic began in 2020, a number of initiatives with likely relevance to the domestic abuse/housing policy interface were ongoing or in development. This chapter simply notes the existence of these developments, attempting to set them in their historical context. Detail on these ongoing initiatives is reserved for the later chapters, as a key focus of the report is on how these then developed after March 2020.

2.1 Policy connectivity in Scotland 2015-2020

At a national level in Scotland, both the period prior to 2015 and between 2015 and 2018 can be characterised as periods of relatively limited connection between the domestic abuse and housing policy worlds. Several multi-agency fora were convened in Scotland during this period. These included Multi-Agency Risk Assessment Conferencing (MARAC) - an inter-organisational information sharing practice to manage victim risk and safety - and Multi-Agency Tasking and Coordinating (MATAC) meetings hosted by Police Scotland that bring organisations together to share information about perpetrators (Bradley, 2020). Despite this inter-agency approach, with representation noted in some cases from the housing sector, the main housing route out for those escaping abuse was a women's refuge, social housing was the only tenure in scope for policymakers and much of the interest in the policy connection between housing and domestic abuse centred on homelessness. (Hastings et al., 2021).

A number of stakeholders interviewed for this research described a particularly 'siloed' approach to housing and domestic abuse policy at national and local level. For example, Stakeholder 1 (Housing), who had previously worked in other policy domains, suggested that some other domains had been "less siloed and more person focused". Stakeholder 2 (Domestic Abuse) argued that, as a whole, the Violence Against Women and Girls (VAWG) agenda "sits apart from other policy ... There is a total disconnect," while in a similar vein, Stakeholder 3 (Housing) contended that the strategy designed to address VAWG - *Equally Safe* – is not integrated into other policy areas or "mainstreamed." They suggested that this means that:

"there is not proper 'ownership' of the [Equally Safe] strategy within Scottish Government ... [and a] disconnect between Equally Safe as one of the Scottish Government's key strategies, and actually what's considered important by the Scottish Government".

While broadly agreeing with this view, Stakeholder 4 (Domestic Abuse) noted some recent progress: the First Minister's *National Advisory Council Group on Women and Girls* had been set up and had recommended establishing an Equalities Directorate and with this, a requirement that all Government Directorates have their own "Centres of Expertise" to advise them on mainstreaming gender within their work (First Minister's National Advisory Council Group on Women and Girls, 2020, p. 21).

Interviewees from the domestic abuse policy area were in strong agreement that historic policy silos had had consequences: they had led to the “segregation” of a gendered understanding of policy issues, such that this perspective was only applied in policy areas perceived to relate most significantly to women – such as VAWG and childcare (Stakeholder 4, Domestic Abuse). Some participants noted the particular absence of a gender perspective in relation to housing policy and practice:

“there hasn’t been ... a huge amount of progress made in relation to ... housing having a strong gender and domestic abuse and violence against women informed lens on the design and the operation of their services.” (Stakeholder 3, Domestic Abuse).

Stakeholder 8 (Domestic Abuse) agreed, highlighting that:

“women were ... never allowed to be part of the constituency for housing services ... So, we’re building new houses ... Do we ever do a gendered approach to figure out who gets those houses? What they look like? How women’s access to housing is different from men’s”?

There was a view among some interviewees that homelessness policy was a partial exception in terms of taking some account of gender, largely as a consequence of its long run policy connectivity with domestic abuse. Thus, for Stakeholder 8 (Domestic Abuse):

“homelessness is the one part of the system where there is some awareness of women having different needs **but only in relation to domestic abuse**” (emphasis added).

Other interviewees were less positive about the inter-connections between domestic abuse and homelessness. Indeed, this same interviewee qualified their view above by arguing that gender awareness did not extend to rough sleeping, suggesting that historically, this area of homelessness policy had been “gender blind ... women’s experiences of homelessness were just rubbed out – actually they just never emerged”.

In the following two sections, we consider connectivity between the two sectors by first looking in more detail at policy development in relation to homelessness policy in the period, and second by considering legislative developments in relation to domestic abuse.

Homelessness policy and domestic abuse

An important innovation in homelessness policy in Scotland was the provision in the *Homelessness etc. (Scotland) Act 2003*, which afforded victim-survivors of domestic abuse ‘priority need’ status in the homelessness system regardless of whether or not they had responsibility for children. Prior to ‘priority need’ being abolished in 2012, this brought victim-survivors into alignment with other vulnerable groups, ensuring that they would be eligible for help with re-housing (Shelter Scotland, 2019). As chapter four notes, it was not until the *Domestic Abuse (England and Wales) Act 2021* was amended to include a similar provision that this issue was addressed for England. According to Stakeholder 4 (Domestic Abuse), Scottish Women’s Aid were involved in the development of the Guidance which accompanied the *2003 Act*, although they suggested that this level of involvement was insufficient to “mainstream [gender] equality across housing and homelessness policy”. Additionally, in their view, the policy development created a sense that domestic abuse “was already catered for in homelessness policy” as well as “the expectation” that housing solutions in relation to domestic abuse “were predicated on becoming homeless”.

Despite this aspect of homelessness policy, interviews suggested that tensions characterised some of the relationships between those involved in homelessness policy development and those from the domestic abuse sector, impacting on the nature and degree of broader policy connection. Thus, a consistent narrative of the interviews with participants largely, but not exclusively, from the domestic abuse sector, concerned the lack of representation of key VAWG groups in policy processes focused on homelessness during this period. A number of examples were offered, including 'exclusion' from Homelessness and Rough Sleeping Action Group (HARSAG) established in 2017.

"Scottish Women's Aid weren't allowed to be at the table as far as I understand... There wasn't a gender perspective in any of the work that was undertaken there. And there seem[ed] to be quite a deliberate exclusion of expertise from the women's sector, in that. So, women were not visible in the outcome of it."
(Stakeholder 3, Domestic Abuse)

HARSAG lacked "a diverse set of people... that didn't represent the breadth of experience that you would expect to develop homelessness policy".
(Stakeholder 5, Housing)

Stakeholder 5 (Housing) also noted that the VAWG "were very critical" of some subsequent policy developments, including the *Ending Homelessness Together Action Plan* (Scottish Government, 2018), suggesting that there was:

"nothing in it about women's homelessness. Domestic abuse was a sub-section of a sub-section and wasn't seen as the main reason for women's homelessness in Scotland."

The same interviewee who, as noted, comes from a housing policy perspective, agreed with the view of participants from the domestic abuse sector that they had been excluded from various parts of the housing/homelessness policy development, and the consequences of this:

"there's quite a lot of resistance from our perspective in the housing world and/ or a lack of understanding or wanting to engage with it. It's beginning to change now, and I think it certainly is changing within government. [However, there has been] resistance and closed mindedness to women's homelessness and the causes of it. You can see this in any policy document in recent years on housing and homelessness. It's literally there in black and white."
(Stakeholder 5, Housing)

Other interviewees from a housing perspective disputed claims of exclusion and instead characterised parts of the sector as having been difficult to engage.

While Stakeholder 5 (Housing) identified that some change was underway with regard to the involvement of the domestic abuse sector in homelessness policy, it is notable that a similar issue emerged in relation to an initiative ongoing at the outset of the pandemic and therefore discussed in chapter three – the Homelessness Prevention Review Group.

According to research participants, some positive developments have “come out of the tension” between the two sectors (Stakeholder 8, Domestic Abuse), developments which have facilitated and promoted greater connectivity. For example, in response to the perceived exclusion of the domestic abuse sector from these processes, a Group formed involving Women’s Aid and housing organisations including the Chartered Institute of Housing (CIH) and the Association of Local Authority Chief Housing Officers (ALACHO) which, in 2019 published *Guidance for Social Landlords on Domestic Abuse* (Association of Local Authority Chief Housing Officers et al., 2019). In the view of Stakeholder 3 (Housing) the Guidance was “pivotal” in drawing attention to gaps between the two policy fields. The Group also organised a conference on housing and domestic abuse, hosted by Convention of Scottish Local Authorities (CoSLA) and chaired by an elected member, as part of a wider programme of action. The formation of the Group, the Guidance and the conference led, according to participants, to the establishment of a Scottish Government working group on housing and domestic abuse in November 2019. Scottish Women’s Aid are represented on the Working Group, and as Chapter Three details, were invited to co-chair the group with CIH following representations from both the housing and domestic abuse sectors.

The Domestic Abuse Act 2018 and housing policy connectivity

The major piece of policy development in relation to domestic abuse in the five years prior to the pandemic was the landmark *Domestic Abuse (Scotland) Act 2018*. This key piece of legislation – which crucially expanded definitions of domestic abuse to include coercive control – enjoyed support across the political spectrum and remains highly regarded. It is considered to have influenced the broadening of the definition of abuse that was enacted in the more recent legislation in England and Wales.

The 2018 Act did not seek to address housing policy issues and makes no reference to housing concerns. In this sense, it reflects the lack of foregrounding of housing issues in domestic abuse policy in this period. For example, three iterations of *Equally Safe - Scotland’s VAWG strategy* – prior to 2018, mention but do not foreground housing concerns (see chapter three).

However, although not reflected in legislation and strategy, housing concerns were being placed on the domestic abuse policy agenda during this period. In 2015, Scottish Women’s Aid published a report based on research with victim-survivors in Fife - *Why should we have to move everywhere and everything because of him* – known as the WHIR report (Burns et al., 2015). This report, and the subsequent action taken in Fife to address the issues raised, provided impetus for the development of the so-called ‘stay put’ agenda in Scotland. This agenda challenges the idea that victim-survivors need to leave the home in order to escape violence and access safe housing. According to Stakeholder 4 (Domestic Abuse) the WHIR report highlighted what they considered to be the consequences of a lack of a gender analysis in housing and homelessness policy, that women experiencing domestic abuse were required to access the homelessness process to have their housing needs addressed. They suggested that the report’s findings were evidence that government policy was “re-discriminating against women and children who are experiencing domestic abuse and actually creating bigger problems for them” and that the absence of a gender perspective resulted in it being deemed “acceptable” that presenting as homeless was viewed as the main route out of an abusive home.

In chapter three, the development and substance of the *Domestic Abuse (Protection) Scotland Act 2021* is discussed in detail. The 2021 Act aims to address a number of issues relevant to the ‘stay put’ agenda and is the result of the groundwork done prior to the pandemic, including the WHIR report and a pre-legislation consultation call in 2018. However, as the parliamentary process for this Act happened during the pandemic, discussion of how this policy area has developed – and the nature of connectivity within it - is reserved for chapter three.

Summing up on pre-pandemic policy connectivity in Scotland

While connectivity between domestic abuse and housing policy has historically been limited – and indeed sometimes characterised by tension – it is clear that change was underway in the period leading up to the pandemic. As Stakeholder 5 (Housing) notes:

“a lot of pieces came together before the pandemic that were helpful to push things forward.”

These “pieces” included two newly established working groups with responsibility for addressing issues at this interface. Although, while bringing housing and domestic abuse policy together was the central purpose of the Scottish Government working group, for the Homelessness Prevention Review Group, its key purpose was to bring forward legislative proposals to help prevent homelessness, with domestic abuse policy only relevant in this respect. That both initiatives had begun prior to the pandemic suggests that concerns at the housing/domestic abuse interface had moved up the Scottish policy agenda just prior to the pandemic. Further, preparatory work for new legislation had begun on the ‘stay put’ agenda, following swiftly on from recent landmark domestic abuse legislation which had not considered housing concerns.

Most interviewees were happy to note recent progress, things were “moving in the right direction” in the view of Stakeholder 9 (Housing), who also pointed to more practical developments at the local authority level. Stakeholder 4 (Domestic Abuse) recognised that there was “intent to do something” amongst “some politicians and government officials.” However, as well as recognising progress, there was also agreement that more progress was required. For some, progress required embedding a gender perspective into policy development across the board:

“It’s not about putting women in as another ingredient in the salad, it’s about actually doing what our equalities policy says on the tin – it’s about thinking about how women’s and men’s and girls’ and boys’ lives are different in our culture and in embedding those in policy”.
(Stakeholder 3, Domestic Abuse)

2.2 Policy connectivity in England 2015-2020

Prior to 2015 in England, domestic abuse policy had largely been developed and delivered from a criminal justice perspective. According to Stakeholder 11 (Housing) “for a long time, there was really not much at all connection” with housing. As was noted to be the case in Scotland, those connections that existed were largely focused on homelessness, emergency refuge accommodation and social housing, although, as Stakeholder 17 (Domestic Abuse) noted:

“historically domestic abuse was maybe seen as one issue within a range of issues that affect housing and homelessness”

Since 2015, however, there has been growing awareness of the need to join up policy and practice. Pressure from key organisations in the domestic abuse and housing policy sectors have led to some significant new initiatives. However, as well as highlighting positive developments, participants also highlighted that, since 2015 “really big gaps” (Stakeholder 12, Domestic Abuse) and policy “silos” (Stakeholder 11, Housing) have persisted, again paralleling the Scottish situation.

“Homelessness and housing issues sits in MLCLG, and domestic abuse sits in the Home Office with the police and the criminal justice system and there’s not a very good connection between the two of them, I guess.”
(Stakeholder 11, Housing)

In relation to domestic abuse policy, the Home Office Strategy, *Ending Violence against Women and Girls (2016-2020)* (HM Government, 2016) connected explicitly with housing policy by recognising the role of “all agencies [and] professions” in tackling abuse (HM Government, 2016: p. 12), with housing providers being specifically identified, although only “fleetingly” in the view of Stakeholder 12 (Domestic Abuse). During this period, preparatory work to introduce a Domestic Abuse Bill to the UK Parliament also began, initiated by Theresa May when she was Home Secretary. Like the *Ending Violence* strategy, consultation prior to the Bill noted the importance of inter-agency co-operation, including with housing organisations (Hastings et al., 2021).

In relation to national housing policy, the main development in the period was legislation designed to safeguard the tenancy rights of victim-survivors – the *Secure Tenancies (Victims of Abuse) Act 2018*. However, the legislation was not enacted and a further provision on this issue was required under the *2021 Domestic Abuse Act*, suggesting limited connectivity at central government level (see Hastings et al., 2021).

More positively, the Chartered Institute of Housing (CIH) *Make a Stand* initiative did appear to reflect growing awareness within parts of the housing profession of the need for action on domestic abuse. *Make a Stand* requires housing organisations to make four policy pledges with respect to tackling domestic abuse and has resulted in “really practical things ... as well as started discussion across the sector” (Stakeholder 12, Domestic Abuse). The initiative was developed after the 2017 President of CIH decided to make raising awareness of domestic abuse the focus of their presidency:

“because women and children are dying in our homes. [But] I didn’t know if the sector would be ready.”
(Stakeholder 13, Housing)

The participant noted “a bit of pushback [from some in the housing profession as] it was about male violence against women and girls,” but also significant buy-in. According to Stakeholder 11 (Housing), CIH worked with DAHA to develop *Make a Stand* because the housing sector “really didn’t have the knowledge or expertise to do it properly”. They suggested that the CIH initiative worked “as a sort of tin opener” exposing housing organisations to how they could tackle domestic abuse.

The development of two initiatives in the period since 2015 which did aim to develop policy connectivity - the Co-ordinated Community Response to Domestic Abuse and the Domestic Abuse Housing Alliance - are outlined below. Each of these initiatives is indicative of the direction of travel in relation to policy connectivity in the period and is also part of the context for developments ongoing at the outset of the pandemic and discussed in Chapter Four.

The Co-ordinated Community Response to domestic abuse (CCR)

The Co-ordinated Community Response to domestic abuse (CCR) was developed by the charity Standing Together Against Domestic Abuse in 2013. It aims to develop collaborative partnership working amongst local services to tackle and prevent domestic abuse:

“Most public services weren’t designed with domestic abuse in mind, and they often struggle to keep people safe. Poor communication and gaps between services put survivors at risk. Standing Together aim to end domestic abuse by changing the way that local areas respond to it.”
(Standing Together, 2022a)

Standing Together provides support, advice, training and resources to organisations seeking to work more effectively across the domestic abuse agenda – whether this is with respect to the safety of victim-survivors or working to change the behaviour of perpetrators. Its work spans the criminal justice, health, social work and housing aspects of abuse and involves engagement with local authorities, the police, housing associations and third sector organisations. Guidance to support the work of CCRs – *In Search of Excellence* – was first published in 2013, was updated in 2020 and then relaunched in 2021 (Standing Together, 2022b).

CCRs grew out of the recognition that “systems change” was required to tackle the range of issues that impacted on domestic abuse according to Stakeholder 16 (Domestic Abuse/Housing). As Stakeholder 15 (Domestic Abuse/Housing) argued:

“you need to work in a coordinated, in a collaborative way, and really understand the local needs in your area, looking at the governance structures, the data collection, the partnerships, the resourcing...”

As chapter four highlights, the focus in the 2021 *Domestic Abuse Act* on the need for more joined up, inter-agency working has its origins in the work of Standing Together and the CCRs.

The Domestic Abuse Housing Alliance (DAHA)

The Domestic Abuse Housing Alliance (DAHA) was established in 2014 as a partnership between the domestic abuse campaigning organisation Standing Together Against Domestic Abuse and two English housing associations, Peabody and Gentoo. DAHA effectively progresses those issues that concern the role of housing organisations as part of the co-ordinated community response. Set up as a result of a collaboration of practitioners and academics who identified the need for additional connections between domestic abuse and housing policy and practice, DAHA was explicitly conceived of as a means to tackle disconnects and tensions between the two sectors.

As Stakeholder 14 (Domestic Abuse/Housing) recounts, the housing sector was often considered “the dark side” by those involved in domestic abuse, a response to perceived “gatekeeping and fobbing off” with respect to addressing the housing needs of victim-survivors. However, the interviewee went on to suggest that the creation of DAHA tapped into an appetite amongst some of those involved in housing to address the divide:

“But when I got into that space, I was amazed and astounded at how much housing providers and people in housing wanted to help but they just didn’t know what to do or how they could do it”
(Stakeholder 14, Domestic Abuse/Housing)

DAHA’s purpose is to “open ... minds and bring those connections together” according to Stakeholder 14 (Domestic Abuse/Housing). Its aims are captured on its website:

“to improve the housing sector’s response to domestic abuse through the introduction and adoption of an established set of standards and an accreditation process”
(Domestic Abuse Housing Alliance, 2022)

Two important initiatives set up under the auspices of DAHA - the National Housing Policy and Practice Group and the Whole Housing Approach - were established in this period. The National Housing Group brought together key domestic abuse and housing organisations via monthly meetings and specific activities – such as responses to Government consultation calls. The Whole Housing Approach was conceived to bring about and evidence the need for domestic abuse to be viewed as a cross-tenure, systemic issue for housing as a whole. How these initiatives have developed since the pandemic began is discussed in chapter four.

Summing up on pre-pandemic policy connectivity in England

Thus, while for several years, disconnection had characterised the relationship between housing and domestic abuse policy, it is clear that in the few years prior to the pandemic, the situation began to change via an essentially 'bottom up' process of policy change. Key mechanisms of change, especially the Co-ordinated Community Response and the work of DAHA, appear to have catalysed policy connectivity.

Despite this significant progress, concerns and challenges did however persist. Chapter four, which explores policy developments current at the outset of the pandemic in some depth, makes it clear that policy silos and disconnection remain. However, it is notable that the language of consensus and partnership was used by a number of the stakeholders who took part in this research to characterise inter-sectoral relationships. There was a sense of possibility and hope, as well as of ongoing challenge:

"I feel like in the years in the run up to [the pandemic], there's just been more movement maybe, and more joint thinking and working. This has been a priority across both sectors."
(Stakeholder 17, Domestic Abuse)

3. Scottish policy developments at the domestic abuse and housing interface since the COVID-19 pandemic

This chapter covers:

- Key legislative changes made at the interface of domestic abuse and housing in Scotland
- The impact of COVID-19 on the development of domestic abuse and housing policy
- The activities undertaken by, and impacts of, key national-level policy groups on domestic abuse and housing and on the prevention of homelessness

Key messages:

- Significant policy change has occurred as a result of the *Domestic Abuse (Protection) Scotland Act 2021*, bringing domestic abuse & housing closer together
- These changes have:
 - advanced the 'stay put' agenda, providing legislative tools to support victim-survivors to remain in their homes
 - changed the balance of tenancy rights in the social rented sector in favour of victim-survivors
- Despite these policy advancements, challenges remain in implementing these changes effectively and it is as yet unknown if the long-term gaps between domestic abuse and housing will be sufficiently addressed by new legislation
- The two key national level groups on domestic abuse and housing and on homelessness prevention have made potentially significant recommendations for legislative, policy and practice change.
- Whilst these recommendations appear to be well aligned, there remains a view that there is tension between the domestic abuse and housing policy spheres that may only be corrected with significant developments and intersectoral working
- While COVID-19 brought increased attention to the issue of domestic abuse, and may have sped up policy intervention, the groundwork for reform was laid by organisations across the sectors well in advance of pandemic

As set out in chapter two, Scotland's pre-pandemic domestic abuse policy world was dominated by a period of intensive policy development culminating in the landmark *Domestic Abuse (Scotland Act) 2018*. Historically, connections between domestic abuse and housing policy were relatively limited, but interviews suggested that some progress was, however, being made.

At the outset of the pandemic in March 2020, further policy development was underway. Thus, a Bill for new domestic abuse legislation - the *Domestic Abuse (Protection) Act 2021* – was in preparation. This focused on securing victim-survivors’ rights to have perpetrators excluded from the home. The Scottish Government had set up a Working Group jointly chaired by the Chartered Institute of Housing (CIH) Scotland and Scottish Women’s Aid (SWA) with the aim of identifying actions designed to improve housing outcomes for women and children experiencing domestic abuse. The third sector organisation Crisis had, at the invitation of the Scottish Government established a Homelessness Prevention Review Group to bring forward proposals for new legislative duties on local authorities and other public bodies to prevent homelessness for a range of groups including victim-survivors of domestic abuse. And, finally, Equally Safe, the Scottish Government’s national strategy for preventing and eradicating violence against women and girls was in the process of being updated.

As indicated in chapter one, this research aims to understand how each of these policy initiatives have developed since the onset of the pandemic. This chapter considers each in turn and is structured around two of the main issues at the centre of this research:

- a. In what ways does the substance of the policy development connect domestic abuse and housing?
- b. What, if any, impact did the COVID-19 pandemic have on the processes of policy development?

The discussion is based on the analysis of policy documents and interviews with ten senior stakeholders involved in the domestic abuse and housing policy worlds.

3.1 Domestic Abuse (Protection) Scotland Act 2021

Figure 1: Domestic Abuse (Protection) Scotland Act 2021

Background

The *2021 Act* came about as a result of the longstanding concerns of those working in the domestic abuse sector that victim-survivors had to present as homeless and lose their home in order to gain separate housing from the perpetrator. This so-called 'stay put' agenda came to the fore as a result of research conducted in Fife and reported in the 2015 (WHIR) [report](#), *Change, Justice, Fairness: Why should we have to move everywhere and everything because of him* (Burns et al., 2015). This led to calls for action and legislation.

Timeline

| | |
|---------------------|--|
| December 2018 | Protecting People from Domestic abuse: Consultation Call (2018) issued. Consulted on Protective Orders (Part One of the subsequent Bill) |
| September 2019 | First Minister pledges to include such a Bill in the current Programme for Government. |
| 2 October 2020 | Bill introduced following a delay caused by the introduction of the <i>Coronavirus Scotland Act 2020</i> . Includes a Part Two – creation of a new 'additional ground' to end a 'tenant's interest' in a house – which had not been part of the Consultation Call. |
| 17 March 2021 | Bill passed |
| 5 May 2021 | Act passed |
| Forthcoming | Guidance: an Implementation Group has been established to oversee the implementation of the protective notices and orders scheme introduced by Part One of the <i>2021 Act</i> . |
| Circa Year-End 2022 | Scottish Government aims to commence provisions to lay secondary legislation to enable Part Two of the <i>2021 Act</i> . |

Key provisions

Part one creates new types of protection notices and orders to protect people from domestic abuse, specifically by allowing the police to apply to the courts to exclude an alleged perpetrator from the home they share with a victim-survivor. The orders can be applied for, irrespective of the tenure of the victim-survivor and require a lower evidence threshold than pre-existing exclusion orders:

- domestic abuse protection notices (DAPNs) are issued by senior police officers and offer immediate protection from domestic abuse until a DAPO can be made by a court.
- domestic abuse protection orders (DAPOs) are made by courts on the application of the Police. They are initially granted for up to 2 months and can be extended by another month.

Part two adds an additional ground for ending a Scottish secure tenancy when a tenant has been abusive to their partner or ex-partner. The landlord can only seek the permission of the court to end the tenancy if they plan to let the person who has been abused continue to live in the house. The person who has been abused must also wish to continue to live in the house.

Sources: Down, 2022; Scottish Housing News, 2021; Scottish Parliament, 2022, 2020

Background to and development of the Domestic Abuse (Protection) Scotland Act 2021 (2021 Protective Orders Act)

As Figure 1 indicates, the *2021 Protective Orders Act* was introduced to the Scottish Parliament during the pandemic, progressing through parliamentary processes to become an Act in early May 2021 - when Scotland remained in Level 3 lockdown².

The need for legislation on this topic had been identified some time prior to the *2018 Domestic Abuse Act* but, according to interviewees, whilst some consideration was given to addressing the issue when the 2018 Act was being developed, it was decided to separate Protective Orders from the main Act. One interviewee explained that a pragmatic, “collegiate” decision was taken not to include tackling this issue in the *2018 Act*, in order to retain its clear focus on coercive control (Stakeholder 2, Domestic Abuse).

The process of getting the Bill into the Scottish Government’s Programme for Government – and therefore onto the parliamentary timetable – took time and was quite “laborious” according to Stakeholder 4 (Housing). Although a Consultation call on protective orders was issued by the Scottish Government in December 2018, the Programme for Government for the parliamentary term until March 2021 did not include the introduction of legislation on the topic. However, despite this, Scottish Women’s Aid continued to lobby on the issue, highlighting the experiences of victim-survivors and their children made to take the homelessness route to re-housing. This process culminated in a meeting with the First Minister in the autumn of 2019 in which she agreed to “squeeze it in at the very end of this parliamentary term” (Stakeholder 4, Housing), with a Bill announced at the SNP conference a few days following the meeting.

Interviewees from the domestic abuse sector suggested that until this agreement was made, the Government seemed to be of the view that the *2018 Act* had addressed important and significant issues in relation to domestic abuse, and that further legislation addressing concerns about routes to housing security were:

“further down the queue... And we didn’t have a lot of support from the housing world, I would say in terms of saying ‘this is a piece of legislation we really want and need’”
(Stakeholder 4, Housing)

The discussion below of the *2021 Act* considers the two key questions identified in the introduction to the chapter.

a. How does the 2021 Protective Orders Act connect domestic abuse and housing?

The *2021 Act* is clearly at the interface of both policy areas. It challenges the assumption that the victim-survivor should leave the home and addresses two housing-related concerns by providing, first, a means by which the police and courts can exclude an alleged perpetrator from the home of a victim-survivor for a period of up to three months and, second, a mechanism to change the balance of tenancy rights in the social rented sector in favour of victim-survivors. For Stakeholder 4 (Housing), the *2021 Act* addresses a “huge gap” between the two policy agendas, while for Stakeholder 2 (Domestic Abuse), the need for the *2021 Act* was evidence of the disconnect between domestic abuse and housing policy.

The *2021 Act* provides for an additional, important set of exclusion orders which require a lower threshold of evidence than existing ‘barring’ or ‘exclusion’ orders and – crucially - does not place the onus on the victim-survivor to seek exclusion from the home via the court system. Thus, the orders recognise “the state’s responsibility to protect women” (Stakeholder 2 Domestic Abuse). The *2021 Act* also provides a means to permanently exclude a perpetrator from a social rented home. Thus, it allows social landlords to apply to the courts to have a joint secure tenancy revoked in favour of the victim-survivor.

² Level Three guidance prohibited non-essential travel into and out of level three areas, in-home socialising, and the sale of alcohol in hospitality settings. While permitted, restrictions were placed on accommodation and life events such as weddings and funerals.

The interviews suggested that the *2021 Act* provided a means to take forward the 'stay put' agenda. However, it did not necessarily resolve all related issues. Three were raised in particular.

The first relates to the fact that, while a major step forward, the *2021 Act* only provided a means to permanently exclude a perpetrator in the social rented sector. Thus, while the protective orders aspect of the *2021 Act* applies to victim-survivors living in all tenures, after the elapse of three months, a perpetrator can return to their home, unless they live in the social rented sector and their landlord has obtained the permission of the court to terminate this.

The second concern relates to the time limited nature of the Protection Orders. For two interviewees at least Stakeholder 4 (Domestic Abuse) and Stakeholder 5 (Housing), this is an example of continuing disconnection between the two policy areas, as it provides insufficient time for a landlord to gain court approval to end a joint tenancy, creating a situation where a perpetrator could return to a home once a protection order had expired and while proceedings to end their tenancy were ongoing – as Stakeholder 5 (Housing) says:

"it seems a long time... but actually we know that for a landlord undertaking eviction proceedings that 3 months is nothing. We made the case to (the Parliamentary) Committee that where an order was going to be combined with removing a tenant from a tenancy that that should be extended – but that was rejected".

Further, Stakeholder 10 (Domestic Abuse/Housing) emphasised an issue highlighted in the *2021 Act* itself, arguing that "there will need to be a lot of training for local housing officers and for local police ... to execute these orders". This implementation issue was picked up by Stakeholder 5 (Housing) who argued that clear advice and support to landlords in official Guidance to the *2021 Act* was critical to its effectiveness:

"because there's not a lot of skills or confidence or knowledge on how to support victim-survivors of domestic abuse (among landlords)...so the Guidance needs to be pretty instructive, directional".

Related to this concern – and noted by Stakeholder 4 (Domestic Abuse) - was the need to have a landlord "willing" to take action through the courts to end a tenancy and to pay the associated costs in response to abuse. However, while Stakeholder 9 (Housing) understood these concerns, they were more positive that the *2021 Act* could be implemented in ways that delivered on its promise, suggesting that the housing sector was "very receptive" to the approach.

A third and final issue concerned the supply of housing. For a number of interviewees, the 'stay put' agenda could only be made to work, and to enhance the security of the victim-survivor, if the perpetrator was also offered secure housing at a distance from the victim-survivor. Stakeholder 10 (Domestic Abuse/Housing) noted that a "dominant" issue was the "really limited stock of houses... Everybody's argued for that, Women's Aid, Crisis and Shelter. Everybody is saying the same thing", while Stakeholder 6 (Housing) suggested that in some parts of Scotland allocation policies and priorities might be more significant than stock limitations. Further, for Stakeholder 8 (Domestic Abuse), a gendered understanding of the housing system would bring issues such as the sufficiency and location of housing relative to women's needs to the fore, which would, in turn, improve the likelihood that specific developments such as the *Protective Orders Act* would be successful.

Thus, the *2021 Protective Orders Act* clearly connects Scottish domestic abuse and housing policy in important ways – possibly more than any previous piece of legislation. However, the extent to which it will result in the closing of some of key gaps between the policy worlds, gaps which have required victim-survivors to present as homeless to secure long term housing, is not yet clear. In the view of Stakeholder 6 (Housing), for the legal change to have a real impact, it is also necessary to provide a range of supports to at least some victim-survivors.

b. What, if any, impact did the COVID-19 pandemic have on the 2021 Protective Orders Act?

Whether and how the pandemic influenced the *2021 Act* needs to be considered in relation to its impact on both the substance of the *2021 Act* and in relation to the surrounding policy process.

In terms of the substance of the *2021 Act*, it should be highlighted that the Scottish Government working group established in August 2019 (discussed below), played a specific role in getting the Part Two tenancy aspect included in the Protective Orders Bill. As Stakeholder 5 (Housing) indicated, this was the consequence of the membership of the Working Group which, serendipitously “had a lawyer who was able to literally write up the legislative changes... she just cut through so much institutional difficulty... (and) gave the Govt something to review and say ‘yes we can work with this’”.

Whether the sudden, serendipitous inclusion of provisions to end the tenancy rights of perpetrators can in any way be attributed to the pandemic, is unclear however. Interviewees were of the view that when proposals were put forward in the process of developing the Bill during the pandemic, they were effectively seized upon and “fast tracked” (Stakeholder 5, Housing). And, while no interviewee suggested that this was a direct response to the pandemic, more than one indicated that the increased profile of domestic abuse during the pandemic created a climate in which the Scottish Government were keen to be seen to act on the agenda, with a resultant willingness to include these provisions.

In relation to the policy process, the timing of the introduction of the *Protective Orders Bill* to the Scottish Parliament was delayed by some months as a direct result of the pandemic and, in particular, by the introduction of the *Coronavirus (Scotland) Act 2020*. The consensus across the interviews was that this delay did not have significant consequences. However, and in contrast to the relatively drawn-out process by which the Bill came to be included in the Programme for Government noted above, once introduced, the Bill’s passage through Parliament was relatively swift and straightforward. Participants suggested that there was no opposition to the Bill, little debate and indeed the vote in support was unanimous. In the view of Stakeholder 2 (Domestic Abuse), the ease with which the Bill made its passage, was a legacy of the strong “bounce” of support for the *2018 Act*, and was not attributable to the pandemic.

3.2 Scottish Government working group

Figure 2: Scottish Government Working Group

Background

In August 2019 the Cabinet Secretary for Communities and Local Government announced a Scottish Government working group to consider how Scotland could improve housing outcomes for women and children experiencing domestic abuse. The group is co-chaired by the Chartered Institute of Housing (CIH) Scotland and Scottish Women's Aid (SWA). Its work was split into two phases with the first focused on social housing and the second on private housing.

Timeline

| | |
|---------------|---|
| August 2019 | Working Group Set Up |
| December 2020 | Phase 1 Report Published (focused on the work of social landlords) |
| December 2020 | Scottish Government accepts the recommendations of the report in full |
| November 2021 | Establishment of Independent Implementation and Monitoring Group |
| Future | Phase 2 Report (focused on private housing) |

Phase 1 report: [Improving housing outcomes for women and children experiencing domestic abuse](#)

Key recommendation categories:

- Preventing homelessness for women and children experiencing domestic abuse: a human rights approach
- Making women's homelessness visible: developing a gendered response to domestic abuse and homelessness
- Strengthening the role of social landlords in responding to domestic abuse
- Protecting women's and children's rights to remain in their home
- Providing housing that meets women's and children's needs
- Protecting all women's rights: domestic abuse, homelessness and no recourse to public funds

Source: Campbell, 2020; Scottish Government Working Group, 2020.

Background, membership and remit

In August 2019, The Scottish Government Cabinet Secretary for Communities and Local Government set up a working group with the remit of 'considering how Scotland could improve housing outcomes for women and children experiencing domestic abuse' (Scottish Working Group, 2020). The group was co-chaired by the Chartered Institute of Housing (CIH) Scotland and Scottish Women's Aid (SWA). An early decision of the group was to split its work into two phases: the first focused on the social rented sector with a planned second phase to focus on the private sector (both the private rented sector and owner occupation). The first of these phases, delayed by COVID-19 (Chartered Institute of Housing, 2020), resulted in a final report in December 2020 which was informed by two broad strategic frameworks: international human rights commitments to adequate housing for victim-survivors of domestic abuse and Equally Safe, Scotland's national strategy for eradicating violence against women and girls. The very comprehensive set of recommendations of the phase one report (discussed below) were accepted in full by the Scottish Government swiftly after publication.

The group had fourteen members encompassing:

- Chartered Institute of Housing (Scotland)
- Scottish Women's Aid and other third sector organisations (Engender and Shelter)
- Scottish Government
- Housing association sector
- Local government
- Association of Local Authority Housing Officers (ALACHO)
- Convention of Scottish Local Authorities (CoSLA)
- Legal specialist

As discussed in the following section, the first phase of the Working Group ran in parallel to the work of the Homelessness Prevention Review Group. Perspectives on the rationale for setting up the Working Group vis-à-vis the Homelessness Prevention Review Group (PRG) varied. On one hand, the groups were identified as having discrete remits (prevention of homelessness resulting from a range of social drivers and broader housing concerns relating to domestic abuse), albeit with an important domain of overlap.

For example, two interviewees discussed the need for separate groups as follows:

"it's an overlapping area of interest, it [domestic abuse] wasn't the core. There was nothing in the remit of the PRG which said anything about domestic abuse - or indeed any cause of homelessness - it was simply about bringing forward legislative proposals to better prevent homelessness' - and also to bring in those other parts of the public sector that are required to act" Stakeholder 6 (Housing).

"We needed to have a separate focus on domestic abuse ... and we also needed to get on with a broader review of prevention in Scotland" Stakeholder 9 (Housing).

Both discussed the fact that the two groups had members in common membership and, that this shared membership was the mechanism for ensuring shared learning and recommendations.

There was, however, a view that the Working Group was set up to redress perceived gaps in the Scottish Government's earlier work on homelessness prevention that predated the establishment of the PRG:

"I think the Domestic Abuse [Scottish Government] working group was certainly a response from government to say: 'look, I think we need to do more on this front and I think certainly that there was a recognition that, you know, this matter hadn't been fully addressed in HARSAG [Homelessness and Rough Sleepers Action Group: a previous working group set up to address homelessness]" Stakeholder 9 (Housing).

There were criticisms voiced, particularly but not exclusively, by participants from the domestic abuse policy world that the housing sector could be insufficiently cognisant of a gendered approach to understanding housing as a whole and homelessness specifically. These concerns were believed to have been given some weight and acted on partly as a result of the 2019 *Chartered Institute of Housing and Scottish Women's Aid Guidance on Domestic Abuse* (Association of Local Authority Chief Housing Officers et al., 2019). According to Stakeholder 4 (Domestic Abuse), this was aided by the establishment of the First Minister's Advisory Group on Women and Girls, resulting in the setting up of an Equalities Directorate and a requirement for all departments to mainstream gender policies. As discussed in chapter two, a further perceived driver for Government action in setting up the Working Group was the impact of the Scottish Women's Aid 2015 research (Burns et al., 2015), which resulted in one local authority modelling the changes needed in housing policy – this, as set out by Stakeholder 5 (Housing), exemplified that housing practice could change on the ground but that nationally "policy was still needing changed".

a. How does Working Group phase one final report connect domestic abuse and housing?

That the Working Group final report connects domestic abuse and housing is not surprising since this is the focus of the group. What is important to highlight is the nature of the connections that it makes and perspectives on the recommendations made in phase 1 of the group as well as perspectives on progress and challenges associated with phase 2.

There are four notable features of the recommendations from phase 1. First, the recommendations have an overarching focus on the need for a gender-based approach to analysing the problem of social housing for women and children experiencing domestic abuse and to developing responsive policies and practices. Second, the recommendations are practically rooted in existing and developing housing policies. Third, mindful of the potential for implementation gaps, there is a strong focus on statutory duties, training programmes for social landlords, establishment of monitoring frameworks and requirement for proper use of Equality Impact Assessments. Fourth, the recommendations place housing within the context of a broader set of public sector professionals with a duty to ensure that women have the right to make an "informed and supported choice about their various housing options and access to specialist domestic support and legal advocacy" (Scottish Government Working Group, 2020: p. 17).

That the Working Group was having impact was identified by those outwith its membership. Stakeholder 9 (Housing) identified that the Working Group recommendations are having traction in current thinking at local and national levels at a housing professional level:

"I would have to say that we are more focused on the recommendations of the Domestic Abuse Working Group [Scottish Government working group] at the moment because that is where we are in our journey in terms of transformation in terms of domestic abuse and housing management [locally]. . . I would say the Working Group on Domestic Abuse is having a specific impact on our approaches across Scotland". (Stakeholder 9, Housing).

Although Stakeholder 9 (Housing), evidenced strong local practice in the move towards housing management approaches, others in the domestic abuse world identified significant local variation with “pockets of excellence in a sea of, at best, distant relations and connections” (Stakeholder 8 Domestic Abuse). Stakeholder 2 (Domestic Abuse) also questioned: “but what is happening on the ground?”.

Some participants (most notably 8 and 9 – Domestic Abuse and Housing respectively) were positive about the recommendations being actioned by the Scottish Government. One said, for example: “I feel like the political alignment, the ducks are in alignment for some really progressive work in this work ... I am hopeful that all the work feeding into that Cabinet Secretary can be put through a filter of gender in ways that wasn’t happening before.” (Stakeholder 8, Domestic Abuse). Others, however, were more tentative:

“I’m positive that we’ve got good outcomes from both [Working Group and Homelessness Prevention Review Group reports], and I think that there is a read across them. Now it’s how we drive it forward and into actually being something meaningful than just the documents that have come from it ... but there always seem to be a hesitancy, I think, to understand women’s housing issues through that gendered lens and that understanding of the wider context of how society structured and how women actually fit in it ... Even if you look at the outputs from the groups, and you can read it and it’s there in black and white as to why women’s homelessness looks the way that it does through that gendered lens - I still think people just don’t get it” (Stakeholder 10, Domestic Abuse/Housing).

The importance of “leadership and commitment from the Government was highlighted as key in order to avoid ‘asymmetric implementation of recommendations over 5 or 10 years” (Stakeholder 5, Housing). By November 2021 an independent implementation and monitoring group had been established and a two-year implementation plan set out.

As well as discussing the phase 1 report, participants were also asked about the challenges likely to be faced in the planned phase 2 work – focusing on improving housing outcomes for victim-survivors of domestic abuse with the private rented sector or owner-occupied housing.

The next phase, including the membership, has not yet been agreed with Scottish Government but it aims to look at existing legislation such as the *Matrimonial Homes Act 1981* in order to strengthen legal rights of victim-survivors). The nature of the likely emphasis and recommendations is less evident to participants. This appeared to be due to two main issues. First, because of a lack of an evidence base on the specific problems encountered in relation to these parts of the housing system Stakeholder 8 (Domestic Abuse) argued that it had been right to leave this to a later phase because “we don’t have as much evidence about what is happening in those areas as we do with social landlords”. Second, the lack of legislative mechanisms were highlighted:

“In many areas the social rented sector is the early adopter of change, isn’t it, in terms of energy efficiency, new build standards and all the rest of it. I think the Working Group recognised the reality that it was going to be relatively more easy to get change within the social rented sector and I think that’s fine, ... but, how do you address owner occupation sector? I think that’s going to be a really difficult one because rights of ownership will always, at the moment anyway, trump human rights and that’s going to be a real challenge for that agenda going forward, I think”. (Stakeholder 9, Housing).

There was a further concern around the extent to which momentum can be maintained – one participant, for example, said that “you never know whether that political energy can be gathered again”. Stakeholder 8 (Domestic Abuse).

b. Impact of the pandemic on the work of the Working Group.

Although the bulk of the work of the Working Group took place after the start of the pandemic, the recommendations that it makes are largely unrelated to the pandemic specifically. Where COVID-19 is mentioned in the report, and by research participants, it tends to be in relation to exacerbating the intensity of domestic abuse (for example, p.22: lockdown measures have emphasised the entrapment of women and children who live with a domestic abuse perpetrator) and of the re-housing challenge (re-housing rough sleepers and the need to comply with the extension of the Unsuitable Accommodation Order and social distancing restrictions in refuges creating no existing space for supporting women and children). Other impacts have included delayed policies (for example the assessment of social landlords' compliance with the requirements on equalities and human rights, due to start in April 2021, was initially delayed until October 2021 and remains without a fixed date for implementation and a concern for reduced local authority focus on domestic abuse).

The report does highlight two recommendations that relate specifically to the pandemic. One is in encouraging the Scottish Government to progress already planned but COVID-19 delayed work with the Department of Work and Pensions to introduce split payments of Universal Credit in Scotland to ensure women have access to an independent income. The second is reflected in the updated Chartered Institute of Housing and Scottish Women's Aid [Guidance on Domestic Abuse](#) (Association of Local Authority Chief Housing Officers et al., 2019) to social landlords around the provision of housing to women with No Recourse to Public Funds.

In addition to the heightened awareness of domestic abuse, participants also noted that the pandemic increased working between the Scottish Government and the domestic abuse sector: "We certainly had really constant contact with the Scottish Government over various aspects of the work that we do, not just housing homelessness work but across justice, for example (Stakeholder 4, Domestic Abuse). Further, the pandemic experience was believed to have given the Working Group report more traction as highlighted by two participants from the domestic abuse and housing worlds:

"It's made it more urgent, absolutely, I don't see any slackening of pace or prioritisation from the Scottish Government, CoSLA and local authorities indeed so, no, I have a belief that we will implement the recommendations and move them forward".
(Stakeholder 9, Housing)

"it made the existing institutional problems really transparent ... I think we were able to do a lot of things in that report – to say things, and recommend things and get them accepted by officials that we hadn't before".
(Stakeholder 8, Domestic Abuse)

3.3 The Homelessness Prevention Review Group (PRG)

Figure 3: The Homelessness Prevention Review Group (PRG)

Background

The PRG was convened by the homelessness charity Crisis, at the invitation of the Scottish Government, to bring forward proposals for legislative change to identify legal duties on local authorities and other public bodies which would prevent homelessness. The focus was on different parts of the system and blocking 'routes into homeless' for a range of specific groups, including children, young people and families, and people affected by domestic abuse. It follows from a range of initiatives designed to improve homelessness policy in recent years, and a particular concern that legislation needed to be improved in order to *prevent* rather than manage homelessness.

Timeline

| | |
|------------------|---|
| October 2017 | Homelessness and Rough Sleeping Action Group (HARSAG) established with a focus on tackling rough sleeping and ending homelessness. |
| February 2018 | Publication of the results of the report of the Inquiry into Homelessness conducted by the Local Government and Communities Committee of the Scottish Parliament. |
| June 2018 | Fourth and final report of HARSAG recommends strategic change at national and local level. |
| November 2018 | Ending Homelessness Together High Level Action Plan published by The Scottish Government and CoSLA, to take forward the recommendations of HARSAG and the Parliamentary Inquiry, guided by the Scottish Government/ CoSLA Homelessness Prevention and Strategy Group. |
| November 2019 | Scotland Homelessness Prevention Review Group (PRG) set up in response to a recommendation in Ending Homelessness Together, and first overview meeting. |
| Early March 2020 | Consultation Event focused on preventing homelessness for victim-survivors of domestic abuse. Briefing paper published. |
| July 2020 | CPRG thematic meeting on domestic abuse. (This and subsequent PRG thematic meetings were delayed as a result of the pandemic.) Meeting minutes (9 July 2020). |
| February 2021 | Publication of PRG final report . Sub-section focused on domestic abuse, with seven recommendations. Executive Summary highlighted domestic abuse as a priority area, noting three recommendations in particular. |

Key recommendations to prevent homelessness for victim-survivors of domestic abuse:

- Support and security measures to remain safely in their own home where this is their preference
- Access to free legal aid to get an exclusion order to prevent them losing their home, if this is appropriate for them
- Social landlords should put in place protocols to address housing issues relating to domestic abuse.

Sources: Dore, 2019; Homelessness and Rough Sleeping Action Group, 2018; Local Government and Communities Committee, 2018; Homelessness Prevention Review Group, 2020; Reid, 2021; Scottish Government, 2018a

Background to and remit of the Homelessness Prevention Review Group (PRG)

The Homelessness Prevention Review Group (PRG) was established by the homelessness charity Crisis in 2019, at the invitation of the Scottish Government. It is not an 'official' Government group therefore but was, as Figure 3 notes, set up to take forward a particular recommendation of the [Ending Homelessness Together High Level Action Plan](#) (Scottish Government, 2018a). The *Action Plan* was itself an outcome of the Homelessness and Rough Sleeping Action Group (HARSAG) established by the First Minister in 2017. The origin and organisation of the PRG is therefore from within the housing/homelessness sector, and, as set out earlier, its homelessness remit extends well beyond domestic abuse.

The PRG began its work in late 2019. Its purpose was to propose legislative reform in order to enable more of a 'prevention' focus to homelessness policy and practice in Scotland. To this end, it had a range of themes covering different aspects of homelessness. The Executive Summary highlights domestic abuse as a 'priority area' (Reid, 2021: p.7)

The aim of the PRG, and its focus on domestic abuse was summarised by one participant as to:

'overhaul homelessness legislation with respect to prevention (with) a very wide ranging remit, with domestic abuse being one corner of that'
(Stakeholder 6, Housing).

Membership and mode of operation

The PRG had twelve members who were largely housing experts on a range of the relevant themes. It was chaired by a prominent housing/homelessness academic. Membership of the Group was decided by the Chair and Crisis in consultation with Scottish Government officials:

"the big strategic decision that was taken early on was to keep membership tightly focused on the housing and homelessness world rather than all of the other sectors and issues that were relevant"
(Stakeholder 6, Housing)

According to this participant, the range of sectors pertinent to the Group's remit meant that it would not have been workable to include all as members. A substantial consultation programme (see below) was therefore designed to inform the Group's work. Two members of the group were considered to have particular expertise in homelessness and domestic abuse: a prominent councillor representing COSLA and a senior local authority officer representing ALACHO (from a council considered to have pioneered work on domestic abuse). A lawyer who specialised in domestic abuse advocacy and committee work provided additional advice to the group as it drafted the recommendations. Finally, two Crisis staff were seconded to the Group³.

Overlap in the core membership of the Scottish Government working group and the PRG was limited to a single individual: thus, the housing specialist Co-chair of the Working Group was also a member of the PRG. In addition, the Scottish Government sought to manage the relationship between the groups by appointing a civil servant to work with both, with a remit to liaise between them. Some participants commented on the need for substantial 'back-channel' work to ensure that the work of the two groups retained necessary connections:

"I think if we hadn't been working in the background, maybe we wouldn't have as much synergy between the outputs of the PRG and the working group".
(Stakeholder 10, Domestic Abuse/Housing)

³ Crisis seconded two members of staff to the group for circa 18 months. These staff acted as the secretariat to the group and also authored its final report. According to interviewees, the final report and recommendations are based on the work of the group, but are owned by Crisis.

In addition, a Prevention Commission was established, involving people with lived experience of homelessness and frontline workers to feed into the group's deliberations. Commission meetings were convened on a gendered basis, in view of differences in their likely experience of homelessness: "It was important for women to have their own space" (Stakeholder 6, Housing).

Interviews and PRG minutes indicate that the Group worked by establishing a set of themes and then commissioning and discussing a briefing paper on each theme. This initial discussion was used to generate a list of stakeholder consultees and questions for thematically-focused consultation events. The events involved around 120 stakeholders in total from relevant organisations and interests. Following each consultation event, the Group had a further discussion on the theme in which they agreed draft recommendations which took account of the feedback and recommendations of both the stakeholder consultation event and the Prevention Commission, as well as – importantly – "sidebar negotiations with specific stakeholders and voices in between times." (Stakeholder 6 Housing).

It seems that the decision to focus membership on the housing sector was considered controversial by some of those involved in other sectors, such as health, criminal justice and child poverty. The degree of pressure to involve other sectors varied, but it was clear from interviewees involved in the PRG, as well as those from the wider domestic abuse sector, that both Scottish Women's Aid and Engender argued strongly to be included as members of the PRG. Stakeholder 6 explained the rationale not to respond to the request:

"To us, domestic abuse was just another route into homelessness and we were concerned with engaging with experts from this sector in the same way as experts from all of the other sectors".
(Stakeholder 6, Housing)

A number of interviewees indicated that the controversy around representation from the domestic abuse sector in the PRG was seen as a continuation of a trend in which the sector was not formally represented in homelessness policy making: "It was difficult – we had the similar situation at the time of forming of HARSAG 1 by the Minister" (Stakeholder 9, Housing).

There was no clear view among the five research participants involved in some way in the PRG about the impact of focusing the Group's membership on the 'housing world': although all acknowledged that historically representatives of national domestic abuse sector organisations had not been involved in a number of homelessness committees and processes. However, while Stakeholder 10 (Domestic Abuse/Housing) argued that the PRG "had people from all sorts of different backgrounds there, we had people come to speak at it, we had input from everybody", they also voiced concern that the sector was not formally represented:

"I think I still would have liked them to have been around the table proper and it was never adequately explained as to why they weren't."
(Stakeholder 10, Domestic Abuse/Housing)

Stakeholder 6 (Housing) noted that key domestic abuse organisations did not engage with the PRG's parallel consultation process, although Stakeholder 10 indicated that a significant amount of informal discussions took place in the background which were a "work around... So - I'm quite confident that what had to be said, was said and the outcomes from it reflected the reality of the landscape" (Stakeholder 10, Domestic Abuse/Housing).

Having set out the background to the Homelessness Prevention Review Group and considered the views of key stakeholders on its membership and way of working with respect to domestic abuse, the discussion now considers the two key questions identified in the introduction to the chapter.

a. How does the final report of the Homelessness Prevention Review Group connect Domestic Abuse and Housing?

The report makes a series of proposals which are designed to ensure that local authorities and other public bodies are required by law to take a prevention focused approach to homelessness, proposals underpinned by a set of principles emphasising collective public sector responsibility, early intervention and more choice over housing options for those at risk (Reid, 2021: p.5). Effective delivery of such an overall agenda could be expected to impact substantially on the housing aspects of domestic abuse. It would shift the focus towards upstream intersectoral interventions designed to prevent homelessness among victim-survivors, and away from initiatives which deal with the downstream consequences of failing to prevent homelessness. For Stakeholder 10 (Domestic Abuse/Housing), their involvement in the PRG was:

“one of the most dynamic and interesting bits of work that I’ve ever done. Because it started to talk about all the things I’ve been speaking about for so long... about how we’re never going to address homelessness if we don’t actually involve all of the other partners. It’s not just housing that can deal with homelessness, it’s everybody, and everybody else has got to have an actual duty to do it.”
(Stakeholder 10, Domestic Abuse/Housing)

Within this broader agenda, the report makes seven recommendations focused on domestic abuse (Reid, 2021: pp. 30-31). Underlying the recommendations is the central principle that domestic abuse should not cause homelessness:

“The PRG believes that anyone facing domestic abuse should not have to become homeless to address their situation; housing issues related to domestic abuse should be dealt with as early as possible through services working in partnership to identify and support individuals facing abuse.” (*ibid.*: p.30)

There are a number of recommendations which challenge the assumption that the victim-survivor should leave the home, including a core recommendation for “Support and security measures [for them] to remain in their homes safely where this is their preference.” (Reid, 2021: p31). There is also support for strategic planning around the rehousing of perpetrators and advocating assistance and support from homelessness services for victim-survivors ‘from all housing tenures’ working with other partners. The report’s recommendations are thus aligned with a longstanding agenda within the domestic abuse sector to reorientate housing related interventions such that victim-survivors can choose and be supported to ‘stay put’ in their homes rather than present as homeless (Burns et al., 2015). Crucially, the report notes that:

“This will require a shift in culture among some homelessness services... (It will also require) appropriate service planning, joint working across housing, homelessness and other services and training for staff... (and) effective protocols in place to identify signs of abuse as early as possible.” (*ibid.*: p.30)

Again, such ideas clearly reflect longstanding concerns of the domestic abuse sector and provide for points of connection between domestic abuse and housing policy and practice. Moreover, Stakeholder 9 (Housing) indicated that they understood that that the work undertaken by the PRG was “feeding into” local authority work on Rapid Rehousing Transition Planning, gearing temporary housing to be prevention-led, with the potential to improve outcomes of those at risk of homelessness through domestic abuse and other factors.

One of the report’s other recommendations in support of the ‘stay put’ agenda – in which free legal aid is proposed for victim-survivors of abuse in owner occupied housing, allowing them to gain exclusion orders to remove perpetrators from the home - is framed as ‘complementary to’ the provisions of the 2021 *Domestic Abuse Protection (Scotland) Act* which it notes will provide a ‘domestic abuse (homelessness) prevention pathway’ (*ibid.*: p.31) for social housing tenants. Again, interviewees suggested that legal aid for victim-survivors of domestic abuse was a long-standing demand of the domestic abuse policy world, which the PRG’s recommendation clearly addresses. Perhaps as important is that this recommendation also provides a practical connection between domestic abuse and housing policy concerns which go beyond those focused historically on social housing.

Notably, the PRG report also recommends aligning the definition of what domestic abuse entails currently within homelessness legislation and guidance⁴, with the definition of abuse as coercive control in the *Domestic Abuse (Scotland) Act (2018)*. Almost all interviewees were asked for their view of the capacity of this particular recommendation - which brings the ‘frames’ used to understand what domestic abuse is in the two policy/practice worlds into alignment - to enhance connectivity between the two policy worlds. Interestingly, not all interviewees recalled the recommendation or emphasised its significance. Stakeholder 10 (Domestic Abuse/Housing) was the exception. They stressed its importance, arguing that the misalignment was a longstanding “gap” which they found hard to account for:

“Homelessness legislation has not (been) updated to reflect coercive control, to reflect the reality (of domestic abuse)... it’s not reflective of the gold standard legislation which we’ve got”.

The existence of an historic misalignment in definitions may be suggestive of a quite fundamental disconnect between the two policy worlds. The importance of aligning frames would seem to be a necessary if not sufficient step in the development of understanding between housing and domestic abuse policy.

In sum, while the fact that the domestic abuse sector was not formally a member of the core Homelessness Prevention Review Group was a significant concern for key parts of the sector, it would appear that the substance of the PRG report has the capacity to make an important contribution to decoupling the experience of homelessness from the experience of those seeking a route out of domestic abuse. This contribution rests on the extent to which homeless policy and practice is re-orientated towards prevention and on recommendations which clearly support the ‘stay put’ agenda. If effectively implemented, the proposed duties to prevent homelessness⁵ clearly have the potential to shift attitudes and resources towards the support of victim-survivors to stay in their homes.

However, some interviewees (mainly but not exclusively) from the domestic abuse sector appeared quite dismissive of the Homelessness Prevention Review Group’s work on the domestic abuse aspects of its remit. This view was clearly related to concerns about membership, and reflective of their perception that the PRG membership issue was part of a long run history of organisations within the sector being ‘excluded’ from formal policy development on homelessness, as well as of a reluctance to incorporate the gendered approach to housing policy advocated by key groups such as Scottish Women’s Aid. This suggests that further work is needed to build a sense of common interest between the housing and domestic abuse policy worlds, before a genuinely collaborative approach to resolving housing aspects of domestic abuse can be developed. While homelessness policy and practice has historically been the main point of connection between domestic abuse and housing, ironically in the case of Scottish polity, it has also been a key point of tension.

b. What, if any, impact did the COVID-19 pandemic have on the Homelessness Prevention Review Group?

The onset of the pandemic delayed the progress of the PRG, suspending its work for four months between the end of March 2020 and the end of July 2020. Specifically, the delay affected the timetable for the domestic abuse strand of its work – the stakeholder consultation event took place in early March just prior to lockdown, but the planned formal meeting to consider consultees views and draft recommendations was delayed until the first meeting when the Group reconvened in the summer.

⁴ According to the *Housing Scotland Act (1987)* (s. 33(3)), an individual is at risk of domestic abuse if they “run the risk of abuse... from a person with whom...[they] might reasonably be expected to reside, or from a person with whom [they] formerly resided”. The definition of abuse within this legislation, as outlined by the *Protection from Abuse (Scotland) Act 2001* (s. 7), “includes violence, harassment, threatening conduct, and any other conduct giving rise, or likely to give rise, to physical or mental injury, fear, alarm or distress”. It is notable that ‘conduct’, in this case, includes speech and “presence in a specified place or area”.

⁵ The Scottish Government opened a consultation based on the framework that the PRG put forward on the duty to prevent HLN for public bodies. The consultation closed 8th April 2022. <https://www.gov.scot/publications/prevention-homelessness-duties-joint-scottish-government-cosla-consultation/>

When asked whether the onset of the pandemic and the consequent raised profile of domestic abuse had led to substantive changes in the framing, prioritisation of issues or the detail of proposals in respect of domestic abuse, interviewees suggested that such changes had not occurred. Stakeholder 6 (Housing) suggested that it would have been surprising if the PRG's legal recommendations had been impacted in such ways. Key word searches of the PRG final report to identify discussion of the pandemic and its effects, confirm that the pandemic did not have a substantive impact: there are six mentions, four of which refer to delays to the group's work. In addition, there is a reference to the impact of the pandemic on increasing the number of households in temporary accommodation (Reid, 2021: p.12). There is however one example of how the fallout from the pandemic influenced the Group's agenda. Thus, a key recommendation designed to support prevention work within the Private Rented Sector is that the "the pre-action requirements on private landlords in cases of rent arrears which were created in the emergency coronavirus legislation ... should be made permanent" (Reid, 2021: p.28). This change reflected the PRG's focus on legal processes.

3.4 Equally Safe Revised Guidance

Figure 4: Equally Safe Revised Guidance

Background

Equally Safe is the Scottish Government's national strategy for preventing and eradicating violence against women and girls. The Strategy was first published in 2014 and was updated in 2016 and again 2018. The Scottish Government planned to revise the Strategy before COVID-19, but this has been delayed by the pandemic.

Timeline

| | |
|-----------------|--|
| 2014 | First <i>Equally Safe</i> strategy published |
| 2016 | Updated strategy published |
| 2018 | Updated strategy published |
| 2020 (November) | <i>Equally Safe: Year Three Final Report</i> published |
| 2020 (December) | Applications to the <i>Delivering Equally Safe</i> fund launched, following delay due to COVID-19. This fund is designed to support third sector organisations and public bodies contribute to the delivery of the <i>Equally Safe</i> strategy. |

Key elements of the strategy

The 2018 Strategy's aim is "to work collaboratively with key partners in the public, private and third sectors to prevent and eradicate all forms of violence against women and girls" (Scottish Government, 2018b: "Aim of Equally Safe").

The overall priorities of Equally Safe are:

- Achieving gender equality
- Intervening early and effectively to prevent violence and maximising the safety and wellbeing of women, children and young people
- Tackling perpetrators" (Scottish Government, n.d.: no page)

Sources: Scottish Government, 2018c, 2018b, 2017, n.d.

a. How does the revision of Equally Safe connect domestic abuse and housing?

The 2018 *Equally Safe* strategy sets a vision for:

"A strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it"
(Scottish Government, 2018b: p. 3).

Like the previous versions (dated 2014 and 2016), the 2018 Strategy makes little direct reference to housing and home. Where housing issues are recognised, it is with regard to the need for a coordinated approach to eradicating domestic abuse, the role of safe accommodation and the potential impact of Universal Credit on households (and particularly women).

There were differing views amongst participants regarding how connected the 2018 revised Strategy is to housing policy and strategy. It was noted by some that the Scottish Government working group First Report makes recommendations that will feed into the Strategy when it is next revised, potentially strengthening how the strategy connects with housing policy. Thus, the recommendations emphasise the need to integrate the principles of *Equally Safe* within housing and homelessness strategy, requiring social landlords to respond to domestic abuse (with Scottish Government funding). The recommendations also highlight the need for housing practitioners to understand structural gender inequality. The Report recommends that the section on domestic abuse within the Housing Options toolkit needs to be based on a gender analysis, reflecting *Equally Safe* and also the *CIH/ SWA 2019 guidance for social landlords*. Further, Stakeholder 3 (Domestic Abuse) suggested that there has been more discussion about housing in recent discussions about refreshing the guidance, and that this is perhaps linked to COVID-19 and increased recognition of housing issues, including in the private-rented and home ownership sectors.

There were also contrasting views about whether the Strategy's focus on gender inequality had been mainstreamed and integrated within Scottish Government policy thus far. Stakeholder 10 (Domestic Abuse/Housing) noted that the Strategy briefly discusses mainstreaming gender into homelessness policy and that the associated Action Plan is very much focused on how to mainstream gender equality in other policy areas, including housing in "recognition of how important that was."

Stakeholder 8 (Domestic Abuse) also reflected on the importance of mainstreaming a gender inequality perspective within Scottish government policy. They highlighted some specific challenges in relation to what they argued was the "completely ungendered, therefore [gender] incompetent" nature of the evidence base used by government officials to develop housing policy. They noted that this is counter to the public sector equality duty, arguing that mainstreaming *Equally Safe* within housing policy under the duty "requires us to understand what it means to say that women's inequality is the cause and consequence of domestic abuse."

Further, interestingly, Stakeholder 8 (Domestic Abuse) felt that there was little need to revise or "revisit" *Equally Safe* in a programmed way:

"... it's not like it's a strategy for delivering in 3 years... it's a strategy for ending violence against women and girls so if there are things in it that need to be improved or added to or changed then we should always be able to do that."

For this participant the focus should not be on revising *Equally Safe* but rather on implementing it.

It is therefore too early to assess how far the ongoing revision will connect domestic abuse and housing policy and strategy. While the Scottish Government working group highlighted an aim to better connect these two areas, it will be interesting to see how these recommendations are implemented.

b) What, if any, impact did the COVID-19 pandemic have on the revision of *Equally Safe*?

The fourth revision of the *Equally Safe* strategy was delayed as a result of COVID-19 and had not yet been published at the time of writing. The Scottish Government's year 3 report on *Equally Safe* was published in November 2020. It highlighted an aim to "explore how future iterations of the *Equally Safe* strategy reflect the context of the pandemic as well as the direction of travel around recovery and renewal" (Scottish Government, 2020a: p. 15). This resonates with the view of Stakeholder 3 (Domestic Abuse) that the pandemic may have increased the attention given to housing issues, including in the private-rented and home ownership sectors, in discussions about revising the Strategy. There are therefore indications that COVID-19 has and will impact on the revision of the policy, but it is yet to be seen how the revision will develop, and too early to assess fully the impact of COVID-19 on this.

3.5 Conclusion

There have been some substantial developments at the interface between domestic abuse and housing policy in Scotland since 2019. Arguably, these developments have been a long time in gestation – it was as early as 2015 that the WHIR report brought a number of the issues that the 2021 *Protective Orders Act*, the Scottish Government working group and the PRG have been grappling with since 2019. Importantly, if the anticipated legislation focused on homelessness prevention is delivered, then a Duty to prevent homelessness could have far reaching consequences for the housing journeys and outcomes of domestic abuse victim-survivors.

Despite the clear progress that has and continues to be made in bringing housing and domestic abuse policy concerns closer together, it is evident that the long-standing divide identified by the majority of those participating in interviews persists. It seems that a significant amount of work, and perhaps time, will be needed to tackle this – and at all levels of the policy process. In fact, practical as well as policy development to such an end is underway in a select number of Scottish local authorities.

It is notable that the evidence from the interviews notes that the Scottish Government working group and PRG worked largely in parallel rather than in concert on recommendations on areas of mutual interest. This is despite the similar time frames, overlap in membership and existence of informal background activity: indeed, it may be that differences between the processes of policy making (although not necessarily their outcomes), required a pragmatic approach such that collaboration took place behind the scenes, rather than being embedded in formal processes. Nonetheless, the largely parallel functioning of the PRG and the Working Group would appear to be one legacy of long-term differences and disconnects between the domestic abuse and housing policy worlds. There are grounds for optimism, however, in the Scottish Government's acceptance both of the PRG's recommendations in relation to prevention duties and of the SGWG's recommendations with respect to social housing, as well as the establishment of an implementation and monitoring group with a time-limited action plan.

In the view of most participants, the onset of the pandemic did not create the impetus to resolve long standing tensions. However, Stakeholder 10 (Domestic Abuse/Housing) did offer a slightly more optimistic perspective than some other participants that other factors were driving progress with regard to relationships. They suggested that "some of the right people [are] in the right place [and there is] no rolling back of achievements". Thus, it is possible that while the pandemic has not brought about major change to Scottish policy at the intersection of these two domains, it may have helped to embed and normalise change that was already underway.

4. English Policy developments at the domestic abuse/housing interface since the Covid-19 pandemic

This chapter covers:

- Key legislative changes made at the interface of domestic abuse and housing in England
- Background and overview of the development of the *Domestic Abuse Act England and Wales (2021)*
- Overview of the establishment and purpose of the Office of the Domestic Abuse Commissioner
- Background and purpose of the DAHA National Housing Policy & Practice Group
- Background and overview of the Whole Housing Approach
- The impact of COVID-19 on these groups and policy developments

Key messages:

- Significant policy change has occurred as a result of the *Domestic Abuse Act England and Wales (2021)* bringing domestic abuse & housing closer together
- Key changes to the domestic abuse/housing interface as a result of the *2021 Act* are:
 - Part 4, which requires local authorities to provide victim-survivors with accommodation-based supports
 - Part 7 addresses two aspects of housing policy at its interface with domestic abuse – homelessness and secure tenancies in social housing
 - Change to the balance of tenancy rights in the social rented sector in favour of victim-survivors
- Despite these policy advancements and a widened definition of domestic abuse, stakeholders cited concerns about the efficacy of the *2021 Act* in implementation and the limitations within its accompanying Guidance
 - Limitations include:
 - The absence of consideration for migrants and those with No Recourse to Public Funds and a gendered approach to addressing domestic abuse
 - Limited reference to the Whole Housing Approach and no requirement for local authorities to adopt it
- Strong relationships exist between domestic abuse and housing policy development, which have arguably been bolstered by the pandemic and by establishing an Office of the Domestic Abuse Commissioner. Some concern was voiced over whether top-down Government policy built on long-standing third-sector led activity, although an orientation to consensus-building was also identified. The pandemic appears to have had a small number of fairly minor impacts on policy development at the interface, although the importance of the connections between housing and domestic abuse has undoubtedly been highlighted.

Chapter two identified that, in England in the period prior to the COVID-19 pandemic, connections between domestic abuse and housing policy and practice were gaining more prominence, spearheaded by the work of DAHA via the National Policy and Practice Group. This work had resulted in a Whole Housing Approach which aimed to develop inter-agency action to address housing related domestic abuse issues across all tenures. It was also a period in which preparations were made for a new Domestic Abuse Bill, which – among other things – involved establishing a new Office of the Domestic Abuse Commissioner. Together these developments suggested that progress towards more policy connectivity was therefore being made.

This meant that, when the pandemic began in March 2020, what was to become the 2021 *Domestic Abuse Act (England and Wales)* had just been introduced to the Westminster Parliament and that a Domestic Abuse Commissioner ‘Designate’ had been appointed. A pilot phase of the Whole Housing Approach to domestic abuse had just concluded and the work of the National Policy and Practice Group was ongoing. This chapter looks in turn at each of these policy developments, live at the outset of the pandemic.

As was the case for Chapter Three, this chapter draws on analysis of policy documents and on interviews with senior stakeholders in the domestic abuse and housing policy worlds (seven). The discussion focuses on how each has developed in the period since March 2020, and considers in detail questions focused on if and how policy connectivity between housing and domestic abuse, and on the impact of the pandemic on the substance of the policy as well as on the policy development process.

4.1 Domestic Abuse Act (England and Wales) 2021

Figure 5: Domestic Abuse Act (England and Wales) 2021

Background

Development work on the *Domestic Abuse Act (2021)* began under the premiership of Theresa May (2017-2019) and was recommitted to by the Johnson administration in late 2019.

Timeline

| | |
|---------------|---|
| 2018-2019 | Consultation on Transforming the Response to Domestic Abuse, leading to publication of Consultation Response and Draft Bill in January 2019. |
| July 2019 | Domestic Abuse Bill introduced to House of Commons by May Government, but parliamentary progress delayed by debates over Brexit and fall of May Government. |
| 3 March 2020 | Bill re-introduced in slightly amended form to House of Commons by Johnson Government. (Three weeks prior to the first COVID-19 UK National Lockdown.) |
| 28 April 2020 | Second Reading of the Bill and first debate (at the height of the pandemic) |
| June 2020 | Committee Stage (amendment to include a Government New Clause on Homelessness) |
| 3 July 2020 | Report and Third Reading (Opposition amendments on migrant victims and community-based support services defeated) |
| 29 April 2021 | The <i>Domestic Abuse Act</i> received Royal Assent |
| August 2021 | Domestic Abuse: draft statutory guidance framework issued for consultation (updated version published in October 2021 post-consultation.) |

Key provisions (selected summary)

Part one provides a statutory definition of domestic abuse. Also recognises children as victims in their own right.

Part two creates the Office of the Domestic Abuse Commissioner to advocate for victims-survivors and Domestic Abuse services.

Part three provides for a range of new Preventative Orders – Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO)

Part four places a legal duty on tier one English local councils to provide accommodation-based support for survivors and their children in refuges or in 'safe accommodation'.

In **part seven** the *Housing Act 1996* is amended so that victims of Domestic Abuse will be in 'priority need' for housing, and the *Housing Act 1985* is amended to introduce a guarantee that victim-survivors will retain their secure social housing tenancy should they leave an abuser.

Sources: HM Government, 2021; Home Office, 2021a, 2021d; Lipscombe, 2021

Background to and development of the Domestic Abuse Act 2021 (2021 Act)

When Theresa May became the UK Prime Minister in February 2017, she committed to introducing a Domestic Abuse Bill for England and Wales⁶ designed to 'transform' how domestic abuse was thought of and addressed. Prior to becoming Prime Minister, as Home Secretary she had introduced a law on coercive control. This commitment was re-affirmed after the 2017 General Election when she was confirmed as Prime Minister, and again in the Conservative Manifesto which led to the election of the Johnson Government in December 2019. That the *2021 Act* survived as part of the Johnson Government's legislative programme is therefore the direct result of the prioritisation of the 2017-2019 May Government's of the need to "transform the way we think about and tackle domestic abuse" (HM Government, 2019).

As summarised in the Explanatory Notes for the *2021 Act*:

"The purpose of the Act is to raise awareness and understanding of domestic abuse and its impact on victims, to further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice, and to strengthen the support for victims of abuse and their children provided by other statutory agencies." (HM Government, 2021, p.5)

The *2021 Act* therefore has a range of purposes which are broader than issues at the domestic abuse and housing policy interface but remain relevant.

⁶ The provisions in the *2021 Act* for the most part extend and apply to England and Wales only. Sections 57 to 61 (local authority support), section 78 (homelessness: victims of domestic abuse), section 79 (secure tenancies granted to victims of domestic abuse) and section 83 (contact centres) extend to England and Wales and apply to England only. The provisions in Part 2 of Schedule 2 extend and apply to Scotland only, while those in section 73 and Part 3 of Schedule 3 extend and apply to Northern Ireland only. Sections 81 and 82 (data processing for immigration purposes) extend and apply to England and Wales, Scotland and Northern Ireland. (HM Government, 2021, p.17)

In order to improve awareness and understanding, the *2021 Act* redefines in statute what abusive behaviour is, broadening it from previous definitions which stressed physical violence:

“Behaviour is “abusive” if it consists of any of the following— (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse (see subsection (4)); (e) psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct.” (Domestic Abuse Act 2021, part 1)

The *2021 Act* extends the definition abusive behaviour to include, as victims, children of either the perpetrator or victim who experience its effects.

In relation to improving the justice system, the *2021 Act* provides for a set of Protective Orders. The *2021 Act* also establishes an Office of Domestic Abuse Commissioner: an intervention designed both to improve understanding of abuse and to provide support for victims by advocating for change in services and systems. The provision of the Commissioner’s Office is discussed in a later section of the chapter. However, there are other provisions in the *2021 Act*, beyond the Commissioner, which are designed to improve the work of statutory and other agencies and which are important for the housing and domestic abuse interface. These are considered in what follows.

a. How does the Domestic Abuse Act 2021 connect Domestic Abuse/Housing?

There are two parts of the *2021 Act* which are particularly relevant: Part 4 which focuses on the role of local authority support for victim/survivors, particularly in relation to ‘accommodation-based services’ and Part 7 which includes reform of legislation in relation to two aspects of housing policy – homelessness and secure tenancies in the social housing sector. Each Part is considered in turn.

Part 4 of the *2021 Act* places a new Duty on Tier One English Local Authorities in relation to the provision of “safe accommodation” and related services. In support of the Duty, Local Authorities are required to undertake needs assessments of the “accommodation-based support in their area”, and to publish and deliver on a strategy to address such needs. (Domestic Abuse Act 2021, Part 4, s. 57, 1a). Relevant authorities were each provided with a £50k fund by the then Ministry of Housing, Communities and Local Government (MHCLG) to facilitate the preparation of the Strategy and were required to publish these strategies in January 2022. Part 4 also requires councils to set up domestic abuse local partnership boards involving representatives from statutory and voluntary agencies. Notably, there is no requirement to involve a representative from the housing sector, although when developing the strategy, the local authority is required to “consult ... such other persons that the relevant local authority considers appropriate” (Domestic Abuse Act 2021, Part 4, s. 57, 4c) A *Statutory Guidance Framework* provides more detail on how Part 4 provisions should be taken forward.

Clearly, a Duty on local councils to provide for accommodation-based services has relevance for housing aspects of domestic abuse policy. Stakeholder 11 (Housing) suggested that the Duty represented a welcome return to previous, more integrated packages of support. However, while all interviewees welcomed this Duty in broad terms, most were quick to highlight concerns. Some highlighted criticisms made by Women’s Aid (2021) during the Bill’s passage through the parliamentary process: specifically that the Duty did not require the needs of migrant women to be provided for, especially those with No Recourse to Public Funds (NRPF) status as well as concerns that refuge provision, and the specialist services provided by refuges, were not specified as being intrinsic to the ‘accommodation-based’ services at the centre of these strategies.

However, the major part of the discussions with stakeholders of this part of the *2021 Act* centred on participants' concerns about the *Draft Statutory Guidance* (Home Office, 2021b) and the detail provided in relation to housing issues. Here they referred to robustly worded *Joint Feedback* to the Guidance made by the National Housing Policy and Practice Group involving DAHA and the Chartered Institute of Housing (CIH) (National Policy and Practice Group, 2021). Generally, the *Joint Feedback* suggests that the *Guidance* is "confused" and "unclear" about housing related issues. It calls for more understanding of the "gendered nature of domestic abuse" (National Policy and Practice Group, 2021, summary of key concerns), notes the lack of attention to the needs of victims residing in tenures beyond social housing (ibid, p. 2) and advocates that the Guidance should require domestic abuse partnership boards to take a Whole Housing approach.

With regard to the new duty on local authorities to provide accommodation-based services, the *Joint Feedback* notes that "definitions of forms of accommodation and domestic abuse support urgently need improving" (National Policy and Practice Group, 2021, summary of key concerns). The Feedback clearly signals that without robust definitions and guidance, some councils may seek to respond to the Duty by using inappropriate services. This could lead potentially to a "rapid rise in unsafe accommodation providers targeting victims" (National Policy and Practice Group, 2021, summary of key concerns). This particular concern was stressed by Stakeholder 17 (Domestic Abuse) who noted that "loose regulation" could mean that some providers would prey on "vulnerable women" in order to exploit the higher rate of housing benefit that domestic abuse accommodation-based services attracted. In a similar vein, this same participant was concerned that specialist domestic abuse services would not be prioritised by local authorities, especially those "by and for" groups of victims, such as Black or minoritized communities, tailored to their particular needs. Further, participants also highlighted that the lack of both a gendered understanding of abuse and best practice advice on commissioning services would lead to "mixed gender" accommodation being deemed suitable – "a real worry" for Stakeholder 12 (Domestic Abuse).

There are aspects of Part 4 of the *2021 Act* that also suggest support for a more 'joined up' approach between agencies, such as the establishment of the Partnership Boards and the requirement to consult on needs assessment and strategy development. Interestingly, most participants were positive about these aspects: they are "a really good thing" reflecting a commitment to joint working between the sectors, according to Stakeholder 13 (Housing). For Stakeholder 14 (Domestic Abuse/Housing), the *2021 Act*:

"has just created loads of momentum within local authorities to obviously conduct the needs assessments that they're required to conduct and write the strategies in response to part four that they've needed to write around the provision of support within safe accommodation".

Stakeholder 17 (Domestic Abuse) noted that some of the draft strategies produced by councils in the autumn of 2021 noted an intention to meet the requirements of DAHA accreditation, indicating that, in responding to the requirements of the Duty, some councils were taking on board properly holistic and inter-agency ways of working. Others suggested that the *2021 Act* had already facilitated change on the ground. Thus Stakeholder 15 (Domestic Abuse/Housing) argued that there is now the ability to "push" to:

"make sure ... that housing are part of those conversations... they have become more and more key stakeholders in the eyes of ... authorities. So, I think that's a really positive step forward."

The interviewee gave an example of how "a large housing provider who'd never been invited around any table before" had become involved in a local authority needs assessment/strategy process and had realised that an out of use building could fill a needs gap. They "worked together with the local domestic abuse service... (and) created a refuge" (Stakeholder 15, Domestic Abuse/Housing).

Despite these examples and the generally positive evaluation of this aspect of the *2021 Act*, there is no actual requirement in Part 4 to involve the housing sector in needs assessment or in the Partnership Boards – in the view of Stakeholder 12 (Domestic Abuse) “a bit of a gap”. According to Stakeholder 13 (Housing) this may be because housing is:

“not a statutory service... (we) can be excluded from things. Because we’re not health, we’re not social care, we’re not education... A lot of the documents say we need a joined-up approach... and housing’s often second last or third last, ... it’s thought of quite far down the chain in terms of having an influence”.

Moreover, there is no mention of the Whole Housing Approach within the *2021 Act* overall. While the *Draft Statutory Guidance* does recognise Whole Housing as best practice, it omits to require Partnership Boards to adopt the approach – a criticism levied at the Guidance in the Joint Feedback. Indeed, one participant was quite cynical about any reference made to the need for a more co-ordinated, inter-agency response in the documents associated with the *2021 Act*. For them, it was an example of where the Government:

“can put stuff in without any sort of commitment to doing anything about it. ... it’s a way of placating the sector maybe and without any firm commitment to action”.
(Stakeholder 11, Housing)

And Stakeholder 15 (Domestic Abuse/Housing) alluded to negative outcomes and indeed “tension” as a result of housing organisations becoming involved in addressing needs, suggesting that because such organisations had no prior track record of involvement, they could put forward “domestic abuse provision (that) isn’t what is needed, isn’t filling the needs assessment, isn’t filling the gaps that they need”. They suggested that it will take effort and management to make sure “that people are working in peace and harmony”.

There are clearly, differences between local councils in terms of their response to Part 4, in particular in relation to the nature of the involvement of the housing sector, and the extent to which involvement reflects best practice in relation to Whole Housing. It is “still very patchy” according to Stakeholder 14 (Domestic Abuse/Housing). This may reflect the non-statutory nature of housing services, although Stakeholder 17 (Domestic Abuse) was also quite clear about the dangers of a “localised approach... a sense from the Department for Levelling Up, Housing and Communities that local authorities need their independence”. They suggested that this could result in a “postcode lottery” in relation to the services commissioned to fulfil the Duty:

“Local authorities will be starting from completely different points. So there will be local authorities that have really brilliant services in their area that they’ve been commissioning for years and others for whom this is all quite new.”
(Stakeholder 17, Domestic Abuse)

Participants with primarily housing policy experience (Stakeholders 11 and 13) contrasted the localism approach of the *2021 Act* with the directive, regulatory approach of the *Social Housing White Paper* published by the Ministry of Housing, Communities and Local Government (2020) in November 2020 while the *Domestic Abuse Act* was making its way through Parliament. The *2020 White Paper* notes that the *2021 Act* is in progress as well as the duties to be placed on local authorities with respect to safe accommodation and inter-agency working. It indicates that social housing providers “**must** work with local authorities to deliver this requirement” (emphasis added). Further, the White Paper indicates an expectation on the:

“Regulator of Social Housing to review and amend its regulatory standards to make it clear that landlords should have a policy setting out how they should tackle issues surrounding domestic abuse, working with other agencies as appropriate.”
(Ministry of Housing, Communities and Local Government, 2020, p. 63)

In the view of Stakeholder 12 (Domestic Abuse), the White Paper demonstrates a “greater understanding” of the drivers of partnership working than the *2021 Act*. The fact that a housing White Paper, requiring housing agencies to work with others to tackle domestic abuse, was produced in the same time frame as a Domestic Abuse Act in which the involvement of some sectors, but not housing, is mandated, indicates “a big gap” between the policy fields and “a lack of joined up government” according to Stakeholder 12 (Domestic Abuse).

The chapter now turns to the second part of the *2021 Act* which concerns housing policy: Part 7. As can be seen in Figure 5, Part 7 addresses two issues at the housing/domestic abuse policy interface: providing for victim-survivors to have “priority need” in the homelessness system and for the retention of a pre-existing secure social housing tenancy for victim/survivors within the sector who leave their home as a result of abuse.

In relation to the homelessness policy provision, it is notable that a provision to afford victim-survivors priority need was not part of the Bill as introduced. It was rather the result of a Government Amendment, following campaigning both by the VAWG sector and national housing organisations.

Discussions with interviewees about this provision within the *2021 Act* centred on why it had taken so long to address such an important gap in homelessness legislation, and why it was addressed via an Amendment rather than as integral part of the original Bill. Two participants suggested it was “odd” that the issue had not been addressed until now (Stakeholder 11, Housing and Stakeholder 12, Domestic Abuse). A range of explanations for this gap were offered.

Some explanations focused on a lack of political will at both national and local government level, citing the complexity of homelessness policy as well as that policy change in this area was not a priority because “there’s no votes in homelessness... historically, governments of all kind of stripes have been quite loathe to tinker with homelessness legislation” (Stakeholder 11, Housing).

Two participants noted the importance of fundamental housing supply issues, which could have resulted in “resistance” and “gatekeeping” (Stakeholder 17, Domestic Abuse) from housing practitioners as well as at the policy level:

“fear about cost... we have such a lack of supply, so actually homelessness in England over the last twenty years has been about finding reasons not to house people.”
(Stakeholder 13, Housing)

A third argued that women’s homelessness had not been prioritised until recently by “traditional homelessness charities”, suggesting their focus had largely been on “street homelessness... because of the numbers I suppose” (Stakeholder 12, Domestic Abuse). This participant also suggested that an explanation for why the domestic abuse sector had not prioritised this gap in homelessness policy was due to “probably a lack of knowledge. I think it can be very confusing for people. Housing law is obviously very complex.” Indeed, according to this participant, when DAHA was formed, homelessness reform was not on their agenda: the focus was on preventing homelessness by finding new ways to work with housing providers.

A final explanation was put forward by Stakeholder 11 (Housing) who suggested that this aspect of the policy disconnect had simply “slipped under the radar ... maybe it didn’t present itself as something that was glaringly obvious to both sectors at the same time”. By inference, collaborative, partnership working on the domestic abuse agenda, with the housing sector round the table, could be well placed to address some long-standing policy disconnects.

Interestingly, one participant suggested that the Part 4 Duty in the *2021 Act* to provide safe accommodation implicitly pre-supposed that victim-survivors should have “priority need” in relation to homelessness:

“I think it’s hard to argue if you’ve got a measure like part four that’s so integral to the success of the Act itself that shouldn’t also have victims of domestic abuse as automatically priority need for housing.”
(Stakeholder 17, Domestic Abuse)

While this comment seems salient, it perhaps also highlights the “oddness” that the provision in relation to homelessness was not proposed as part of the original Bill.

In relation to the second provision under Part 7 of the *2021 Act* – the right for victim-survivors to retain a pre-existing secure tenancy and its attendant rights should they have to leave their home due to abuse - there have been two previous legislative attempts to rectify this issue (Hastings et al, 2021). Indeed, a *Secure Tenancies (Victims of Domestic Abuse) Act 2018* had been specifically developed in order to rectify an omission in the *Housing and Planning Act 2016* which had sought to bring in tenancy reform. Yet the issue had to be re-provided for in the *2021 Act*. Some interviewees seemed uncertain as to why it had taken “three goes” to make progress on this aspect of tenancy rights. For Stakeholder 11 (Housing), it reflects “a reticence from government to get involved in that area of law”. Stakeholder 12 (Domestic Abuse) agreed that the protracted process surrounding tenancy reform indicated a lack of a proper deep understanding in both sectors of the implications of aspects of housing law for victim-survivors; a lack of understanding borne out of “different silos and different language and different complexities”. However, the fact that the *2021 Act* does now include the provision is, for Stakeholder 17 (Domestic Abuse), indicative of the “ambition” of the *2021 Act*, but also of “a lot of work between the housing and homelessness and the domestic abuse sectors to really push for some really strong recommendations for change”.

The tenancy provisions in the English *2021 Act* are less far reaching than those noted in chapter three as part of the Scottish *2021 Protective Orders Act*. The Scottish *Act* allows for the severance of a joint tenancy and for the victim-survivor to be given their own tenancy, in support of a wider ‘stay put’ agenda. Interviews suggested that there were considerable political and practical barriers to achieving this as part of English legislative change, although campaigning on the issue around the *2021 Act* elicited a “promise from Government” to hold a consultation on the joint tenancy issue: “a huge step forward” (Stakeholder 15, Domestic Abuse/Housing). Indeed, Stakeholder 15 (Domestic Abuse/Housing), noted how the precedent created by Scottish developments was useful in this regard:

“When we were campaigning around the *Domestic Abuse Act*, we were really saying, look, they’re doing it in Scotland, why can’t we do it? Come on, let’s get going.”

Both Part 7 provisions suggest that progress has been made by the *2021 Act* in closing policy gaps at the domestic abuse/housing interface. However, the existence of the gaps until so recently, also demonstrates the extent of the previous disconnect between the two policy fields. It is notable that – despite some of the challenges at the policy interface in Scotland discussed in Chapter Three — Scottish policy has been further ahead in terms of tackling such issues. Indeed, in Scotland victim-survivors have had priority need within homelessness legislation since 2003 . The interviews suggested that, in relation to these specific provisions in the *2021 Act*, stakeholders from the English domestic abuse sector did seek to learn from Scotland, and considered policy to be “ahead of the game” in these respects (Stakeholder 15, Domestic Abuse/Housing).

To sum up on whether and how the *2021 Domestic Abuse Act* connects domestic abuse and housing policy, it is clear that the provisions in Part 7 are a substantial step forward, as they address longstanding gaps in relation to homelessness and security of tenure. Part 4 of the *2021 Act* also progresses an inter-agency response to domestic abuse, building on the work of the Co-ordinated Community Response (CCR) highlighted in Chapter Two. While participants broadly welcomed the new, strategic, local authority level infra-structure being set up across England, citing examples of positive action already underway as a consequence of the *2021 Act*, there were, however, concerns

about the omission of the requirement to involve housing representatives in the development of the strategies and in the Partnership Boards, as well as the likelihood of differential approaches across local authorities. There was also a real concern over the potential created for predatory behaviour by inadequate regulation and procurement guidance. As will be seen in a later section of the chapter on the Whole Housing Approach, there were also concerns voiced about if and how the new infra-structure connected with the pre-existing CCR.

Importantly, participants highlighted two key gaps in the extent to which the *2021 Act* addresses concerns at the domestic abuse/housing nexus: the omission of the needs of migrant victim/survivors, particularly those who have NRPF status; and the extent to which tenures beyond social housing are in focus. The view of Stakeholder 11 (Housing) perhaps captures the sense of progress, as well as the need to keep pushing the housing/domestic abuse agenda forward:

“(The *2021 Act*) will move things forward. starting from a fairly low base and there’s a lot more to do in it and a long way to go before I think we get anywhere near sorting this issue out and a lot of awareness raising.”

b. What, if any, impact did the COVID-19 pandemic have on the Domestic Abuse 2021 Act?

The question as to whether and how the pandemic influenced the *2021 Act* is considered in relation to its impact on the substance of the *2021 Act*, specifically on issues at the domestic abuse/housing interface, and on the parliamentary processes that underpinned its transition from 2020 Bill to *2021 Act*.

As noted in Figure 5, the 2020 Domestic Abuse Bill was on the agenda of the House of Commons prior to the pandemic. The formal Introduction and First Reading of the Bill had taken place three weeks prior to the lockdown of late March 2020. However, as these initial stages of a Bill’s progress do not allow for discussion or amendment, all of the ‘debate’ stages of the Bill’s progress took place during the pandemic. It is therefore feasible that the pandemic may have had some impact.

First, it was clear that all interviewees were of the view that the pandemic had raised the profile of domestic abuse and that this may have, at least to an extent, eased the passage of the Bill. For Stakeholder 13 (Housing), the pandemic “lit a bit of a fire” under the issue: for politicians, policy makers and the public. Indeed, most participants were of the view that the timing of the Bill in relation to the pandemic was in some way serendipitous. Thus, it was said that the timing led to the issue being taken “more seriously” by MPs, and to fewer questions about the “point” of the legislation (Stakeholder 14, Domestic Abuse/Housing). This was in part because the pandemic created more understanding of domestic abuse in general, but also — importantly — of its coercive and controlling dimensions. Thus, the pandemic provided a context in which the Bill’s expanded definition of abuse could be better understood and taken seriously:

“I think the definition ... being really clear about what domestic abuse was. I think it made people think”
(Stakeholder 12, Domestic Abuse)

In terms of its parliamentary progress, the fact that “people (were) talking about it much more” (Stakeholder 12, Domestic Abuse) ensured that the Bill was not delayed by the pandemic. While there was a delay in producing the *Draft Guidance* for the *2021 Act*, such that it was not available for the Committee Stages of the Bill (Lipscombe, 2021), delay to the progress of the Bill proper was considered to have been a real possibility by one stakeholder: the Bill “had been hanging around for such a long time... it could’ve gone back to the starting point... by getting through it was prioritised” (Stakeholder 13, Housing). Indeed, this lack of delay can be contrasted to the delay to the Levelling Up White Paper which was outlined in the 2019 Conservative Party manifesto, but not published until February 2022. Indeed, according to the Institute of Government, 41% of manifesto pledges have been delayed, suspended or abandoned – although not all attributable to COVID-19 (Urban, 2021).

Stakeholder 14 (Domestic Abuse/Housing) in fact suggested that the timing of the Bill in relation to the pandemic resulted in:

“loads of policy momentum and we were able to, I think, act on that and are continuing to ride that wave at the moment around those combined things.”

In relation to the impact of the pandemic on policy issues at the interface with housing, it is notable that the Debate on the Bill’s Second Reading in April 2020 was opened in a way that emphasised housing concerns:

“The phrase “Stay at home”, which we so associate with the directions to deal with COVID-19, should be words of reassurance and comfort. The home should be a place of safety, both physical and mental. The concept of the home as a refuge is such a strong one, yet for too many people it is not a refuge. At this time of lockdown, that fear, distress and suffering is multiplied.”

(Robert Buckland, Justice Secretary. 28 April 2020.) (as quoted in Lipscombe, 2021, p. 5)

Again, interviewees tended to agree that the ‘stay at home’ requirements of the March 2020 lockdown raised awareness of some housing-related concerns:

“I think was probably helpful in terms of switching people onto what it must be like if you’re stuck in the house with a perpetrator and you’ve got no help, nowhere to go.”

(Stakeholder 12, Domestic Abuse)

There was also a view that the ‘stay put’ agenda which had been more prevalent in Scotland than in England at the outset of the pandemic (see chapter three), was given some modest impetus by the pandemic:

“So, I think people probably thought more about the perpetrator of domestic abuse than they had maybe in the past, saying ‘well why should they be the person who has to go?’. ‘What are we doing about the cause of the problem?’”

(Stakeholder 14, Domestic Abuse/Housing)

While the text of the final *2021 Act* does not mention the pandemic or its effects at all, it is clear that it did feature from time to time in the debate associated with the Bill’s parliamentary progress. The Parliamentary Briefing (Lipscombe, 2021) which catalogued the progress of the Bill through Parliament is a useful summary source of the Second Reading of the Bill, and it demonstrates that there were a number of references made to the pandemic. There is a strong complementarity between the issues raised in the Parliamentary debate and those raised by interview participants. In particular, it is clear that the pandemic raised the awareness of some of those contributing to the debates, that home can be a place of danger for some.

4.2 Office of the Domestic Abuse Commissioner

Figure 6: Office of the Domestic Abuse Commissioner

Background

The Office of the Domestic Abuse Commissioner was established in law under the *2021 Domestic Abuse Act*. It has a remit for England and Wales, although will only consider reserved matters in Wales. Its establishment responds to concerns about geographical variations in the quality and quantity of services focused on addressing domestic abuse.

Timeline

| | |
|----------------|---|
| September 2019 | Designate Domestic Abuse Commissioner (Nicole Jacobs) appointed |
| 29 April 2021 | The <i>Domestic Abuse Act</i> received Royal Assent and Office of the Domestic Abuse Commissioner created under Part Two of the Act. |
| April 2021 | Staff appointed to the DAC Office |
| November 2021 | Framework Document for the Domestic Abuse Commissioner published which sets out governance, funding and scrutiny of the DAC Office, as well as the respective roles of the Home Secretary and the Commissioner. |

Key aims, powers and activities

- To provide 'public leadership' on domestic abuse issues
- To have oversight of services for domestic abuse victim-survivors and to support good practice.
- To hold national government and specified public bodies to account with regard to services by publishing reports and making recommendations which must be responded to.
- While the main focus of the DAC Office is on Domestic Abuse, the Commissioner will also be expected to raise awareness in relation to broader Violence against Women and Girls agendas.
- Established under the auspices of the Home Office with a £1m per annum budget to employ civil servants and run programmes

Sources: Home Office, 2022, 2021c

Background and overview of the Office of the Domestic Abuse Commissioner (DAC Office)

The Office of the Domestic Abuse Commissioner (DAC) was established as part of the process developing the *2021 Domestic Abuse Act*. The *2021 Act* provides for the DAC Office in law and establishes its responsibilities and powers. It is notable however that a Commissioner Designate was appointed around eighteen months before the *2021 Act* received Royal Assent – indicating a level of commitment to, and prioritisation of, the DAC Office once the need had been identified. Thus, in September 2019 – prior to the December 2019 General Election, and while Theresa May was still UK Prime Minister – Nicole Jacobs was appointed to the Designate role. However, it is only since April 2021 that staffing of the DAC Office commenced. The roles, responsibilities, powers and funding of the DAC Office were confirmed in a *Framework Document* published in November 2021 (Home Office, 2021c). This timeline means that a Commissioner Designate was actively engaged in how the pandemic impacted on domestic abuse, albeit without her Office being staffed further.

The aim of the DAC office is:

“to provide public leadership on domestic abuse issues and play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales.”
(Home Office, 2022 n.d)

The leadership and advocacy role of the DAC Office relates particularly to bringing the needs of domestic abuse victim-survivors to the attention of national governments in England and Wales, as well as increasing the focus of statutory agencies and other public bodies on such needs. A key ambition is to “reduce the disconnect between the local and the national” (Domestic Abuse Commissioner, 2022) by bringing learning and innovation, as well as issues and concerns from local and regional scales, into view at the national policy level. It is also to facilitate better communication of national policy developments to local agencies as well as more engagement between the two.

The priority given to the DAC Office in relation to the work of statutory agencies and service provision aligns the work of the DAC Office closely with the provisions of the *2021 Domestic Abuse Act*. A key task is to:

“map and monitor provision of services, make recommendations to public bodies about their response, carry out research, work jointly with public authorities and voluntary organisations, and raise public awareness of domestic abuse. The Commissioner will consider both specialist domestic abuse services such as refuges or specialist victim services, as well as how mainstream services identify and respond to victims and survivors.”
(Home Office, 2022)

There is also a strong emphasis on engaging with third sector organisations and victim-survivors directly so that in, for example, mapping service provision “the reality on the ground for victims and survivors of domestic abuse and the services working with and for them” is better understood (Domestic Abuse Commissioner, 2022). An early action in December 2021 was to launch a survey of potential and actual domestic abuse service users, designed to gain experiences of “thinking about using domestic abuse services, trying to use domestic abuse services, and what it is like using domestic abuse services” (Domestic Abuse Commissioner, n.d.).

The DAC will not have the power to direct Government or public bodies, or to mandate action. Its powers rest in its ability to conduct research and lay the resultant published reports and their recommendations before statutory agencies and Government Ministers. There is a requirement to respond to the Commissioner’s recommendations within 56 days (Home Office, 2022). In establishing these powers, the *2021 Act* intends that the work of the DAC Office

“will exert considerable pressure to effect change, while maintaining local accountability and independence.”
(*ibid.*)

The Office has an annual budget of £1million for staffing and programme costs to support events and projects. The staff in the DAC Office are all civil servants, divided into three main teams focused on Policy, Research and on Practice and Partnerships. There are five staff in the Policy Team – a head of Policy and two teams consisting of a Senior Policy Advisor and Policy Advisor. One team covers a range of criminal and civil justice issues, while the second team covers migrant victims (a priority for the Commissioner) and has a series of “reactive briefs” in relation to social and welfare issues, including housing and homelessness and inter-agency working. The creation of two teams ensures that while the DAC can work on the justice agenda that has historically dominated domestic abuse policy, “equal weight” has been given in the policy team to the need to support a “co-ordinated community response . . . from all public services in responding to victims and survivors of domestic abuse” (Stakeholder 17, Domestic Abuse).

The Practice and Partnerships team has a national Team Lead and four (part-time) Regional Leads who work locally across England and Wales. Regional leads are charged with bringing intelligence of what is happening on the ground in regions across England and Wales to inform the work of the DAC Office. They also work “to build partnerships, develop networks and understand issues, trends, challenges and innovation at the local and regional level” (Domestic Abuse Commissioner, 2022).

It was clear that all interviewees welcomed establishing the DAC Office. For Stakeholder 13 (Housing), for example, it signaled the importance of “evidence” and “expertise” in tackling policy issues relevant to domestic abuse.

a. How does the work of the Office of the Domestic Abuse Commissioner (DAC) connect domestic abuse and housing?

The DAC, Nicole Jacobs, has a background in front line domestic abuse services, and was the CEO of the charity *Standing Together Against Domestic Violence* prior to taking on the role (Home Office et al., 2019). As chapter two notes, Standing Together pioneered an approach of bringing together the range of public services relevant to domestic abuse at the local level – the Co-ordinated Community Response. These aim to “bring services together to ensure local systems truly keep survivors safe, hold abusers to account, and prevent domestic abuse” (Standing Together, 2022). Standing Together identifies the importance of housing services alongside other service areas more traditionally involved in partnership work on this agenda such as the Police or Criminal Justice services (*ibid.*).

There is clear cross-over between the Commissioner’s previous work establishing Co-ordinated Community Responses, her DAC agenda with respect to mapping and improving service provision, and the strategic, partnership work needed to be done to meet the Part 4 Duty of the *2021 Domestic Abuse Act*. Indeed, Stakeholder 17 (Domestic Abuse) suggested that supporting the implementation of the Duty is “really key” for the DAC office.

A key early priority for the DAC Office has been connecting the homelessness provision in Part 7 of the *2021 Act* with the Duty to provide safe accommodation in Part 4. According to Stakeholder 17 (Domestic Abuse), these two parts of the *2021 Act* are “quite conflicting”. Thus, victim-survivors who present with housing needs having first accessed domestic abuse services will, under the Part 4 Duty, be able to access “safe accommodation” commissioned as part of the local council’s strategic needs assessment. However, those that present for housing as a result of being deemed homeless and in priority need, would not necessarily have “access to accommodation that meets Part 4’s definitions of what safe accommodation looks like... it doesn’t necessarily have to be that specialist domestic abuse provision; it doesn’t necessarily have to be single sex...” The DAC Office is therefore “encouraging local authorities to make sure there’s some really strong join up between their Part Four and Part Seven duties and making sure that victims and survivors are accessing that safe accommodation that they’ve commissioned” (Stakeholder 17, Domestic Abuse). To this end, the DAC Office identified this as an issue in its response to the *Draft Statutory Guidance*.

The explanation for the conflict or gap between the two housing provisions in the *2021 Act* rests, according to Stakeholder 17 (Domestic Abuse) in the Government’s “localist” tendencies which lead it to avoid mandating specific actions of individual councils. They also suggested that it may also reflect concerns over the sufficiency of bed spaces in commissioned “safe accommodation” – arguably a rationing mechanism. It may also be the case that the gap is a result of the fact that the Homelessness Part 7 provision was an amendment to the Bill, with how it worked alongside the Part 4 duty not fully worked through as a result. Indeed, the existence of the gap could be further evidence that the complexities of housing policy are not always understood by those involved in the domestic abuse policy world.

In relation to the Duty, the DAC Office has advocated for the inclusion in Strategic Needs Assessments of specialist “by and for” accommodation-based services — services led by and delivered for victim-survivors with additional protected characteristics, such as black and minoritized, disabled or LGBT+ status. Here concerns again centre on inequalities in provision – Stakeholder 17 (Domestic Abuse) indicated that “the post-code lottery is particularly acute in relation to such services” and noted that a localized Duty could mean that – at the level of the local authority – there was insufficient demand to warrant provision of such specialist services. The DAC Office has therefore proposed “a national funding pot” that would support shared services across local authority boundaries.

While the DAC Office has a focus on service provision, the fact that housing is not a statutory service, as well as the lack of a requirement to include housing services in the strategic needs assessments required by the Part 4 Duty, could have led to its de-prioritisation by the DAC Office. There was, however, little indication that this was the case. Indeed Stakeholder 15 (Domestic Abuse/Housing) pointed to how the work of the DAC Office and the respect that it attracted was helping to “making sure that housing are part of conversations” about strategic needs assessments.

Finally, it should be emphasised that the interest in housing policy within the DAC Office is mainly on the nature of the services available to, and experienced by, victim-survivors. One important priority is victim-survivors with NRPF status. The focus covers accommodation-based and community-based support services, as well as on supported moving-on accommodation across tenures (Stakeholder 17, Domestic Abuse). Thus the DAC Office’s remit does not extend to how the housing system as a whole operates with respect to victim-survivors, the supply of social and other forms of housing and so on – although such questions “may come up, particularly when attempts to rehouse perpetrators are in focus” (Stakeholder 17, Domestic Abuse).

b. What, if any, impact did the COVID-19 pandemic have on the Office of the Domestic Abuse Commissioner?

In the early days of the pandemic, the Domestic Abuse Commissioner took on a responsibility

“to monitor the impact of COVID-19 on domestic abuse, and support relevant third sector organizations as they coordinate their response to the crisis”
(Jacobs, 2021: p. 5)

To this end, she has since co-ordinated regular meetings of national, front-line domestic abuse agencies and civil servants from a range of government departments “to make sure that there was that really strong communication across and between government and the sector” (Stakeholder 17, Domestic Abuse). Initially weekly, the meetings subsequently became fortnightly and then monthly – and were still ongoing in the winter of 2022. Over time, their remit expanded and became “a lot more focused on wider policy beyond the pandemic ... on the commissioner’s key priority areas” (Stakeholder 17, Domestic Abuse).

For Stakeholder 17 (Domestic Abuse), these meetings are a direct legacy of the profile that DA experienced at the height of the pandemic and have provided an opportunity for regular programmed engagement between the DAC Office, central government and the domestic abuse sector. In their view, the pandemic accelerated and amplified improved communication and dialogue:

“there’s been some really good engagement around those meetings, which probably is helped by that early work that was so focused on ... crisis intervention.... civil servants share updates with the sector that I don’t think they usually would.”
(Stakeholder 17, Domestic Abuse)

The interviewee also suggested that the engagement was making a practical difference:

“I think people hear about things earlier than they might otherwise have done, and then it gives them the capacity to arrange the meetings that they want to arrange, convene the thoughts of their service providers and members and that kind of thing.”
(Stakeholder 17, Domestic Abuse)

While the view of Stakeholder 17 (Domestic Abuse) is that COVID-19 has led to improved engagement between central Government and the DA sector, it is also the case that the pandemic coincided with the period in which the DAC Office developed. This makes it difficult to separate the distinctive influence of each on improved engagement. Indeed, by establishing a DAC Office in the first place, the Government may have already indicated enhanced respect for the sector and the prospect of more dialogue. It does, however, appear that, in combination, the pandemic and the DAC Office have brought the DA sector into more sustained, meaningful dialogue with Government than at any time previously. There is, however, a potential downside to this positive legacy. Stakeholder 17 (Domestic Abuse) also noted a concern about both pressure and capacity, not least because debate and engagement with respect to the *2021 Act* also took place in the same time frame. According to the interviewee, the sector “has been really, really pressed this year ... there’s been so much that they’ve been having to respond to... [it is] really limited on capacity.”

4.3 DAHA National Housing Policy & Practice Group

Figure 7: DAHA National Housing Policy & Practice Group

Background

The National Housing Group was set up by the Domestic Abuse Housing Alliance (DAHA) in 2018, prior to the commencement of the process to develop of the eventual *2021 Domestic Abuse Act*. Its focus is on building consensus between those involved in the domestic abuse and housing sectors, and on influencing national policy and practice at the interface between the two policy areas.

Membership

The Group is led and Chaired by DAHA.

Organisations from the Domestic abuse sector involved include Women’s Aid, Refuge, Standing Together and Surviving Economic Abuse.

Organisations from the housing sector involved include CIH, National Housing Federation, charities such as Shelter and Crisis and housing associations such as Peabody and Gentoo.

Key aims:

- to find consensus, share best practice and influence policy and practice on domestic abuse and housing in England.
- At a national level, to ensure that:
 - The experiences of survivors of domestic abuse are heard across the housing sector in order to improve and enhance service delivery
 - All survivors can access secure housing and good quality services when experiencing domestic abuse
 - Coordination exists between the housing and Violence against Women and Girls (VAWG) sectors with regards to domestic abuse.

Source: Domestic Abuse Housing Alliance, 2022b

Background and overview of the National Housing and Domestic Abuse Policy and Practice Group (National Policy and Practice Group)

The National Policy and Practice Group had been operating for two or more years prior to the onset of the pandemic. Initiated by the Domestic Abuse Housing Alliance (DAHA), the National Policy and Practice Group is a mechanism by which to build consensus and momentum for change — locally and nationally — at the interface between the two policy domains. The Domestic Abuse Commissioner, in her former role as CEO of Standing Together, was also a founding member. Prior the pandemic, the Group met quarterly in person in the offices of the Peabody trust in London (one of the founding members of DAHA.) While there are formal sponsor members of the Group, participation in the Group’s work is undertaken on a more informal basis with interested parties getting involved in issues on a bespoke basis. According to Stakeholder 11 (Housing) it draws in an “eclectic” set of people which is valuable for its “wide base of expertise” and:

“creates space for the two sectors to learn from the other, find consensus and influence policy and practice. It is a collective voice for lobbying for change”
(Stakeholder 11, Housing)

According to interviewees, the roles of the National Policy and Practice Group range from mutual learning, co-ordination of activities, to providing for an authoritative, potentially influential voice to emerge at the interface of the two sectors. Importantly, the Group acts as a mechanism by which an agreed response to government policy can be formulated. It has published responses to Government Bills and White Green Papers relevant to the housing/domestic abuse agenda and has also pre-emptively written to Ministers to draw attention to particular issues. It also published a domestic abuse and housing manifesto for the 2019 UK General Election (Domestic Abuse Housing Alliance, 2022c). This way of working has ensured that views can put forward which have been “endorsed by the entire group, so it’s not just one organisation going: ‘we think this is a good idea’ it’s multiple: ‘we’ve really thought it through” (Stakeholder 14, Domestic Abuse/Housing).

As indicated in Figure 7, the Group predates the advent of the formal parliamentary processes of the *2021 Domestic Abuse Act*. It therefore produced a response to the *2018 Consultation on the Domestic Abuse and Violence Bill*, to the further consultation in 2019 and to the Committee stage of the Bill’s progress. It also produced the Joint Feedback on the Draft Statutory Guidance on part Four of the final Act, discussed earlier (Domestic Abuse Housing Alliance, 2022c).

In its various responses to the *2021 Act*, the National Group has strongly advocated for a “whole housing” approach to domestic abuse, thereby arguing for an across tenure approach as well as inter agency collaboration (Whole Housing is discussed in the next section). Among other things, it also lobbied on two issues at the centre of the *2021 Act’s* provisions related to housing aspects of abuse – arguing for survivors to be automatically considered to have “priority need” in homelessness legislation, and advocating change in relation to joint tenancies.

a. How does the work of the National Policy and Practice Group connect domestic abuse and housing?

Clearly the central purpose of the National Group is to connect domestic abuse and housing policy and practice. In the view of Stakeholder 11 (Housing), its very existence has given profile to this area of connectivity as well as to the need for it. For Stakeholder 17 (Domestic Abuse) the fact that there had been “a longer-term process ... bringing those things together, (that) networks that were already beginning” meant that the *2021 Act* could be “transformative” in relation to the domestic abuse/ housing agenda. A range of participants suggested that the Group was “impactful”, “important”, “punches above its weight” a “go-to place”. The fact that the DAC Commissioner was one of the original members “gives it a bit of clout”. It also means that there is a clear commitment from the DAC Office to consult with the National Group.

While it is difficult to attribute particular changes to specific mechanisms, there was a view that it is “definitely effective” with Stakeholder 11 (Housing) noting that group members are “invited to go and talk to ... government about domestic abuse and housing. ... I think people in government know about it, it’s got profile.” In addition to raising the profile of the domestic abuse/ housing agenda, participants noted other benefits. The fact that the Group provides a mechanism for mutual learning between the sectors was viewed as one of the most significant of these. Stakeholder 11 (Housing) reflected that:

“Sometimes I have to shut up and listen to the domestic abuse stuff, because it’s really new to me and there’s other times when we’re doing housing stuff where I’m the person that knows. It’s kind of one of those things that really thrives off its diversity of knowledge.”

And, according to Stakeholder 13 (Housing), a practical outcome of the involvement of housing organisations in the Group is that it is leading to more housing organisation seeking to make the policy and practice changes needed to secure DAHA accreditation.

The focus of the Group on creating consensus and a collective voice between the two sectors is striking. The Group’s publications do suggest a common purpose among key players in both sectors. As Stakeholder 15 (Domestic Abuse/ Housing) suggests:

“there’s two sides of the argument, and what we need to find is the middle ground, where everyone’s working together in peace and harmony”.

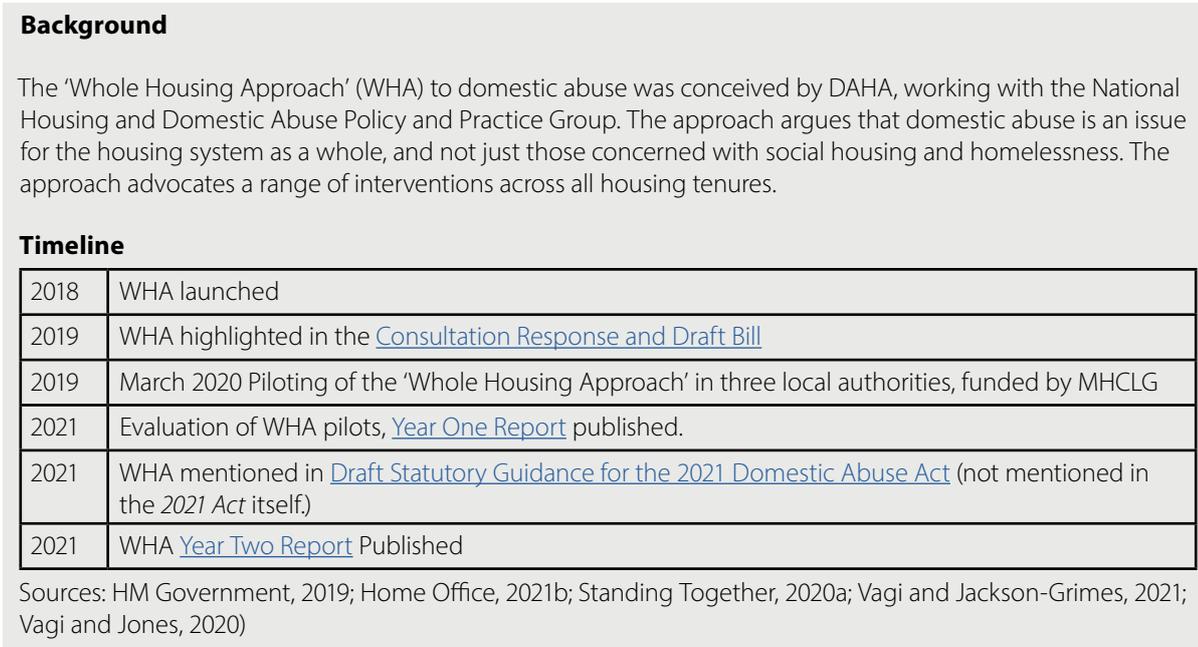
b. What, if any, impact did the COVID-19 pandemic have on the National Policy and Practice Group?

The pandemic took the Group’s meetings and work online. This has expanded the membership of the Group: “the virtual setting has enabled more people to come together in a space in terms of thinking about (domestic abuse and housing)”. (Stakeholder 14, Domestic Abuse/Housing). It has also facilitated new forms and forums of engagement. One participant gave the example of webinar with “350 local authority leads all in one meeting”. According to Stakeholder 15 (Domestic Abuse/Housing):

“what the pandemic has done has transformed that we can reach so many more people and so many more organisations and get that message out there. ... Coming out of something really negative has seen something really hugely positive”.

3.4 Whole Housing Approach

Figure 8: Whole Housing Approach



Sources: HM Government, 2019; Home Office, 2021b; Standing Together, 2020a; Vagi and Jackson-Grimes, 2021; Vagi and Jones, 2020)

Background and overview of the Whole Housing Approach (WHA)

The Whole Housing Approach has been developed by DAHA, as noted earlier. The mission and aims of the WHA centre on: "improv(ing) access to safe and stable housing across all tenure types"; improving access to "tailored" housing options; "mobilising" landlords in the social and PRS and institutions involved in home ownership in the tasks of identifying and intervening in domestic abuse; and addressing issues including homelessness and "tenancy sustainment" (Domestic Abuse Housing Alliance, 2022d).

According to interviewees, WHA can be thought of as the housing dimension of the Co-ordinated Community Response developed by Standing Together, which supports partnership working between a range of public services and third sector organisations across the domestic abuse agenda (Standing Together, 2020b).

When the pandemic struck, pilot projects delivered by DAHA and designed to test out WHA in three local authorities were just drawing to a close. As evidenced in Figure 8, WHA has been recognised and given profile in some government policy documents and, indeed, the WHA pilots were funded by MHCLG. It is perhaps notable that WHA is not mentioned in the 2021 *Domestic Abuse Act*, although it is mentioned in the Guidance.

a. How does the Whole Housing Approach connect domestic abuse and housing?

The Whole Housing Approach (WHA) connects domestic abuse and housing policy via a holistic approach to a range of associated housing issues and by bringing consideration of how the experience of, and routes out of, abuse can vary according to the housing tenure of victim-survivors. As Stakeholder 14 (Domestic Abuse/Housing) noted, WHA aims to: “broaden people’s minds about the range of issues in play and who and what can make a difference”. A multi-dimensional Toolkit designed to support agencies, landlords and institutions in taking forward a holistic approach has been produced. The Toolkit outlines each of the twelve components of the WHA, with the aim to offer “practical guidance” and information to support the implementation of WHA practices (Domestic Abuse Housing Alliance, 2022e).

In relation to the Private Rented Sector (PRS), DAHA have appointed a PRS Development Manager who has a focus on raising the awareness of landlords, their national bodies and the PRS teams with local authorities of the needs of victim-survivors in pursuit of a WHA (Standing Together, 2020a: p. 18). According to Stakeholder 15 (Domestic Abuse/Housing) a focus has been on how the needs and experiences of those living in the PRS are “different to those in other housing situations”.

As part of the WHA agenda, DAHA have sought to engage national professional associations (such as the National Residential Landlords Association and Letting Agents Association) in order to “look at (the issues) from that perspective.” Widening eligibility for DAHA accreditation to letting agents and landlords was under consideration at the time of writing. According to Stakeholder 15 (Domestic Abuse/Housing), landlord bodies “definitely are interested. ... They definitely see the relevance” and have even contributed to drafting guidance on how landlords can recognise domestic abuse. However, the limits of the potential involvement of the sector were also clear:

“they are only on board to a degree where there isn’t any adverse impact on a PRS landlord... I don’t think they want to go beyond informing a landlord of some helpful things that they might be able to do should they want to.”

(Stakeholder 15, Domestic Abuse/Housing)

A key challenge is the lack of “national regulatory oversight” of the PRS sector, which would allow “pressure” to be put on landlords more generally (Stakeholder 15, Domestic Abuse/Housing).

The new Duty placed on local authorities by the *2021 Domestic Abuse Act* to provide ‘safe accommodation’ is also relevant here. Councils routinely use properties in the PRS sector as emergency, temporary accommodation for victim-survivors. However, “standards on what these properties should be like and whether or not they’re actually safe for survivors” are underdeveloped according to Stakeholder 15 (Domestic Abuse/Housing). Further, the lack of social housing means that “move on” accommodation can mean “being forced into the PRS”, with Stakeholder 15 (Domestic Abuse/Housing), noting that affordability can be a significant barrier especially “where the legacy of economic abuse means their credit rating is bad, they don’t have a deposit, they can’t get the references they need from a previous landlord.”

A final strand of the PRS strand of WHA, relates to whether the tenure can be used to rehouse perpetrators, enabling survivors to stay in their own homes. Work with local authority housing and homelessness departments has been important for this, and good practice has been encouraged by extending eligibility for DAHA accreditation beyond registered social housing providers, to cover local authorities more broadly.

In relation to the Duty placed on local authorities under Part 4 of the *2021 Domestic Abuse Act*, there is evidence (according to some participants) of the influence of the Whole Housing approach. Thus, for Stakeholder 14 (Domestic Abuse/Housing):

“the Domestic Abuse Act has been a real policy opportunity for us to get local authorities to consider a Whole Housing approach response to survivors of domestic abuse.”

While Stakeholder 17 (Domestic Abuse) concurred with this positive view to an extent, they suggested that the fact that the Whole Housing Approach was highlighted but not prescribed in the *Draft Statutory Guidance* to Part 4 was “a missed opportunity”. Both the Joint Feedback on the Guidance from the National Policy and Practice Group and the response to it by the DAC Office argued that the Guidance should be “as prescriptive as possible [and provide] flow charts and examples of strategies ... to make it a little bit easier for local authorities to adopt some of these principles” (Stakeholder 17, Domestic Abuse).

The WHA work in relation to owner occupation is being done by DAHA in collaboration with Surviving Economic Abuse (SEA), although the work around the PRS had been given priority within the all tenures strand of the approach. A number of participants welcomed the profile being given to economic abuse by virtue of its inclusion within the new definition of abuse in the *2021 Act*. It was suggested that was a mechanism by which a more developed understanding of how housing can be used by abusers as a tool of abuse:

“having a definition that includes economic abuse is a bit of a game changer because housing is often used again as a weapon, joint mortgages, joint tenancies, really bad credit ratings, the number of women who are forced to take out loans in their own name but never see any of the money and the implications that then has on people trying to leave and rent.... So I think this is part of where the whole housing approach comes from.” (Stakeholder 13, Housing)

b. What, if any, impact did the COVID-19 pandemic have on the Whole Housing Approach?

It was difficult for participants to isolate the influences of the pandemic on the development of the Whole Housing Approach – especially since the development of the *2021 Act* happened in the same time frame. As the previous section suggested, the *2021 Act* was seen as a “policy opportunity” but Stakeholder 14 (Domestic Abuse/Housing), suggested that, while it had been very influential:

“I think the pandemic has just generally highlighted domestic abuse as a huge issue that has been exacerbated by the pandemic and home being a dangerous place where survivors are stuck with the perpetrator. I think domestic abuse just got the platform it hadn’t had previously. And I think coupled alongside the *Domestic Abuse Act*, it just got loads of policy momentum and we were able to, I think, act on that and are continuing to ride that wave at the moment around those combined things.”

Agreeing, Stakeholder 15 (Domestic Abuse/Housing), suggested that the “systems approach around housing has really grown legs throughout the last 12 months particularly because of the publicity around housing”, while for Stakeholder 16 (Domestic Abuse/Housing), the pandemic had provoked a “rethink of the refuge model [creating] a huge push across local authorities ... to have dispersed accommodation” especially for victim-survivors with complex needs.

Indeed, it is quite feasible that the firefighting involved to mitigate the consequences of the pandemic *could* have displaced the more strategic work surrounding the embedding of the Whole Housing Approach. The majority of participants were clear that such displacement had not occurred, although Stakeholder 11 (Housing) contended that the pandemic had “stalled it ... a little bit, not totally, (but) maybe the implementation of some of the stuff would be further forward than it is because we’ve had the pandemic.” In relation to the impact of the pandemic, this same interviewee also highlighted “disappointment” that the Part 4 Draft Statutory Guidance failed to highlight WHA to the extent that may have been expected — perhaps suggesting that this was a casualty of the pandemic. While there was a shared view that there could have been stronger support for WHA in the statutory guidance, participants were more inclined to talk up the catalysing effect of the pandemic, rather than to suggest that it had been an impediment.

4.5 Conclusion

There is clearly a considerable volume of ongoing development in areas of policy that connect domestic abuse and housing, much of it building over several years. Significant bottom-up activity has been central to such developments, with the need for substantial joining up of the domestic abuse and housing policy worlds identified and acted on by those associated with DAHA and Standing Together in particular. In addition, organisations from the housing sector such as CIH have helped create a sense of impetus, via active participation in the National Housing Group and the *Make a Stand* initiative.

This organic, largely third-sector led activity intersects with important Government led policy initiatives, notably the *Domestic Abuse Act (2021)* and the establishment of the Office of the Domestic Abuse Commissioner. While stakeholders were in strong support of these initiatives, there was also concern voiced about the extent to which top-down initiatives would build on the work done more organically by third sector and campaigning bodies. Thus the extent to which the Whole Housing Approach could gain traction via the roll out of the *2021 Act* was an issue which some stakeholders were concerned about – chapter six outlines some more of participants’ ideas about future policy challenges.

While some missed opportunities were identified in relation to recent developments (eg the absence of the Whole House Approach from the *2021 Act*, addressing NRPF), in general, the interface between housing and domestic abuse policy development in England, as represented in our data, appears to be characterised by strong relationships developed over time and an orientation towards building consensus between sectors and actors. The fact that the Office of Domestic Abuse Commissioner is staffed by those with experience of domestic abuse policy in particular is likely to facilitate some degree of joined up working between Government led policy and that developed by other actors.

The impacts of the COVID-19 pandemic appear to have been multiple if fairly minor, although there is some evidence that it catalysed improved interagency and intersectoral communication, via the crisis management work of the Commissioner and the shift to on-line meetings of the National Housing Group. The pandemic undoubtedly raised the profile of domestic abuse and highlighted some aspects of the contribution of housing policy. Whether this raised profile leads to policy change is yet to be seen.

5. Emergency policy developments at the domestic abuse/housing interface as a response to the pandemic

This chapter covers:

- Key emergency initiatives developed in the domestic abuse and housing policy spheres in Scotland, England and across the UK

Key messages:

- In Scotland, several emergency responses were enacted in response to the pandemic, and a Social Housing Resilience Group was established:
 - recognition of risk to victim-survivors of domestic abuse and important strides in provision of accommodation for individuals with No Recourse to Public funds on public health grounds
 - Some connectivity between the two policy spheres was apparent across the two policy domains
- In England,
 - Some emergency housing policies showed connectivity with domestic abuse, which reduced in some cases as lockdown restrictions eased
 - Domestic abuse emergency policies recognised the need for inter-agency working, but with limited direct connectivity with housing
 - There was a notable shift within some domestic abuse policy toward supporting victim-survivors to remain in the home, mirroring the 'stay put' agenda emerging within Scotland
- The development of UK-wide initiatives like those establishing telephone hotlines and safe spaces indicate some increased awareness of the complexity and challenges of routes of out abuse especially within the context of stay-at-home mandates

This chapter provides a brief overview of emergency policy developments in Scotland and England at the domestic abuse/ housing interface as a response to the pandemic. It lists and describes these emergency developments in terms of their primary policy domain and considers their connectivity with the corresponding policy world. Scottish developments are analysed first, followed by England. This is followed by a discussion of other cross-sector, generally UK-wide, interventions.

5.1 Scotland

Table 2 below outlines key emergency initiatives developed in response to COVID-19 for Scotland. (UK-wide initiatives are captured in a separate section.) The initiatives are then summarised in the following narrative.

Table 2: Key emergency initiatives developed in response to COVID-19 (Scotland)

| Initiative | Led by | Date published/ established | Policy area | Connectivity with other policy world |
|--|---|------------------------------------|----------------|--|
| Guidance for social landlords: Domestic Abuse: Covid 19 | Chartered Institute of Housing Scotland and Scottish Women's Aid | April 2020 | Housing | Yes, developed in partnership with Scottish Women's Aid |
| Covid-19 Allocations Advice and Information for the Housing Sector | Scottish Government and COSLA | April 2020 (updated December 2020) | Housing | Some – identifies women experiencing domestic abuse as one of a number of specifically vulnerable groups |
| Social Housing Resilience Group | Scottish Federation of Housing Associations, COSLA, Public Health Scotland, SHR, Wheatley Group, GWSF, CIH, ALACHO, Scottish Government | April 2020 | Housing | Recognition of the need for additional advice for housing providers regarding domestic abuse, but membership does not directly involve the domestic abuse sector |
| Covid-19 Response Planning: Supporting Migrants with No Recourse to Public Funds | COSLA | April 2020 | Migration | Makes various references to domestic abuse and housing concerns |
| Coronavirus (COVID-19): Guidance on domestic abuse | Scottish Government | July 2020 | Domestic abuse | Housing not a key theme |
| Coronavirus (Covid-19) Supplementary National Violence Against Women Guidance | Scottish Government, COSLA, Public Health Scotland, Improvement Service | September 2020 | Domestic abuse | Recognition of the need for partnership working e.g. with social housing providers, and issues of homelessness amongst victim-survivors. Little explicit mention of other housing sectors. |

a. Emergency housing initiatives introduced as a result of COVID-19

CIH/SWA guidance for social landlords (April 2020)

In April 2020, the Chartered Institute of Housing and Scottish Women's Aid published Guidance for social landlords: Domestic Abuse: COVID-19. This updated *Domestic abuse: A good practice guide for social landlords*, published in August 2019 (Association of Local Authority Chief Housing Officers et al., 2019). It was published in partnership with the Association of Local Authority Chief Housing Officers (ALACHO), the Scottish Federation of Housing Associations (SFHA), Shelter Scotland and Scottish Women's Aid, supported by COSLA.

The guidance set out various recommendations for social landlords to respond to domestic abuse, recognising the increased challenges brought about by the pandemic. The guidance recommends that social landlords develop responses around the following themes, highlighting a recognition of the connections between the two policy areas:

1. "Develop a specific domestic abuse policy
2. Homelessness provision
3. Housing management – allocating/ transferring tenancies
4. Engage with local women's aid groups and violence against women partnerships
5. Provide information to ensure victim-survivors know where to access support" (Chartered Institute of Housing and Scottish Women's Aid, 2020: p.1).

COVID-19 Allocations Advice and Information for the Housing Sector (April 2020)

This non-statutory advice was produced in April 2020 and updated in December 2020 due to the "national priority to bring empty property into use... to ensure that [the housing sector in Scotland] can continue to provide safe and secure accommodation to those in emergency housing need" (Scottish Government and COSLA, 2020: p.1). The guidance document "provide[s] information for local authorities, social landlords and private rented sector landlords to help them meet duties and legal requirements during the coronavirus pandemic" (*ibid.*). Specific guidance documents were produced for vulnerable groups, including "for landlords to support those at risk of domestic abuse" (Scottish Government and COSLA, 2020: p.2).

The guidance focuses on prioritising allocations for the groups most at risk, including women and children experiencing domestic abuse, with recognition that short-term, emergency accommodation is unlikely to be sufficient for those with complex needs, with a need for settled accommodation and support services (Scottish Government and COSLA, 2020).

Social Housing Resilience Group (April 2020)

The Social Housing Resilience Group was established in April 2020 "to tackle a wide variety of social housing issues arising from the COVID-19 pandemic... evolving and significant challenges facing the social housing sector" (Scottish Federation of Housing Associations, 2020: no page). Social landlords identified issues, with the aim of identifying "solutions and provid[ing] support as required" (*ibid.*). One of these issues was identified as: "advice and protocols" regarding "allocations, voids, homelessness and domestic abuse," with the group "overseeing provision of advice for RSLs in these areas" (*ibid.*). This therefore suggests some connectivity with the domestic abuse sector. However, the membership (see Table 2) is focussed on housing professionals, with no direct representation from the domestic abuse sector.

b. Emergency Domestic Abuse policy initiatives introduced as a result of COVID-19

COSLA COVID-19 Response Planning: Supporting Migrants with No Recourse to Public Funds: A Framework to Support Local Authorities and their Partners in Local Decision Making (April 2020)

This document was updated by COSLA in April 2020 with the aim of “provid[ing] guidance for local decision-making on supporting people with No Recourse to Public Funds (NRPF) during the COVID-19 outbreak” (COSLA, 2020a: p.1). It recognises that “local authorities have statutory safeguarding duties towards all people in Scotland, regardless of their immigration status” and “duties to protect public health” (COSLA, 2020a: p. 1). The guidance relates to migrants, refugees and asylum seekers, but recognises connections between housing and domestic abuse, with those with NRPF facing particular difficulties. It states that:

“In the current context, emergency accommodation will need to be provided to anyone who is foodless/rough sleeping, so that they can comply with the public health guidelines on social distancing and isolation. If they also have vulnerabilities, such as risk of domestic abuse, then they may also qualify for assistance on safeguarding grounds”
(COSLA, 2020a: p. 11)

Scottish Government Coronavirus (COVID-19) Guidance on Domestic Abuse (July 2020)

This guidance was published in July 2020 and was designed “to highlight that advice or rules on staying safe to protect yourself and others from the spread of the virus (such as self-isolating or shielding) do not prevent anyone from taking measures to escape or keep themselves safe from domestic abuse” (Scottish Government, 2020b: no page). It is very brief and does not discuss connectivity with housing policy, although it makes reference to people always being allowed to leave “home to escape or keep themselves safe from domestic abuse” (*ibid.*).

COSLA revised guidance on VAWG for local authorities and their strategic partners (September 2020)

COSLA, in partnership with the Scottish Government, Public Health Scotland and the Improvement Service published updated Supplementary National Violence Against Women Guidance in September 2020. The previous guidance was dated May 2020. The revised guidance aimed “to ensure that a sustainable, joined-up approach to safeguarding the needs of women, children and young people experiencing VAWG during COVID-19 continues to be embedded at a local strategic level” (COSLA, 2020b: p. 8). It recognises the need for a “joined-up approach across a wide range of public sector and third sector partners,” including housing providers (*ibid.*).

5.2 England

Table 3 below outlines key emergency initiatives developed in response to COVID-19 for implementation in England – discussion of UK-wide initiatives is reserved for a later section of the chapter.

Table 3: Key emergency initiatives developed in response to COVID-19 (England)

| Initiative | Led by | Date published / established | Policy area | Connectivity with other policy world |
|---|--|---|--------------------|--|
| COVID-19: guidance for domestic abuse safe accommodation provision | MHCLG & Public Health England | 23/03/2020 | Housing/ health | Yes, clear recognition of links with emergency safe accommodation providers |
| Coronavirus (COVID-19): guidance for social landlords on essential moves | MHCLG and Public Health England | 27/04/2020, updated 13 May 2020 and withdrawn on 22 July 2022 | Housing/ health | Domestic abuse recognised as a reason for essential moves in earlier guidance, but makes little reference to working with DA sector. Later versions of guidance do not refer to DA |
| Tackling domestic abuse during the COVID-19 pandemic: Resource for councils | Local Government Association | 11/05/2020 | Local government | Not written from the perspective of either policy world, but recognises the need for partnership working between them |
| Supported housing: national statement of expectations | Department for Levelling Up, Housing & Communities, Department for Work & Pensions and MHCLG | 20/10/2020 | Housing | Yes, some. Recognises Domestic Abuse victim-survivors as one group requiring supported housing and the need for partnership working between policy worlds |
| COVID-19 and renting: guidance for landlords and tenants | Department for Levelling Up, Housing and Communities (DLUHC) and MHCLG | Updated 10/12/2021 (originally published 28/03/2020) | Housing | Minimal, only one reference to domestic abuse and not about connectivity |
| Covid-19 and renting: Guidance for local authorities | Department for Levelling Up, Housing and Communities (DLUHC) and MHCLG | Updated 10/12/2021 (originally published 28/03/2020) | Housing | No mention of domestic abuse/ violence |

a. Emergency housing initiatives introduced as a result of COVID-19

MHCLG/ Public Health England – Coronavirus (COVID-19): guidance on isolation for domestic abuse safe-accommodation settings (March 2020)

This guidance was published in March 2020 “to support the management of survivors of domestic abuse and their children who are cared for in domestic abuse safe accommodation settings, including emergency safe accommodation” (Ministry of Housing, Communities and Local Government and Public Health England, 2020a: p. 4). It covered “specialist refuge/ safe accommodation” in both shared houses and self-contained units with some shared spaces; “dispersed, self-contained accommodation with support; move-on accommodation; [and] properties within Sanctuary Schemes or with other enhanced security measures” (*ibid.*: p.4). The document “provides advice on managing isolation for clients and their children under 18 in the event that either they or an accommodation staff member either shows symptoms of COVID-19 or is confirmed as having the disease” (*ibid.*: p.4). These safe accommodation premises “are usually considered households for the purposes of the household self-isolation policy. Individual accommodations may be made up of one or more households for the purpose of this guidance” (*ibid.*: p.4).

The guidance therefore clearly recognises the links between housing and domestic abuse, the need for safe accommodation for those experiencing domestic abuse, and the implications of COVID-19 on this.

MHCLG/ Public Health England – Coronavirus (COVID-19): guidance for social landlords on essential moves (originally published April 2020)

This is “non-statutory guidance to support social landlords with allocations and transfers during the coronavirus outbreak” (Ministry of Housing, Communities and Local Government and Public Health England, 2020b: no page). At this time, in line with Part 6 of the *Housing Act 1996* which governs the allocation of social housing by local housing authorities, the government advised “that, as far as possible, people should delay moving to a new home while emergency measures are in place to fight the coronavirus” and “all social landlords [were] therefore advised to pause non-essential allocation and transfer activity” (*ibid.*). The government outlined several circumstances that would be classified as “essential activity deemed to be in the public interest,” including “supporting victims of domestic abuse and people fleeing other forms of violence” (*ibid.*).

This guidance was updated on 13 May 2020 and subsequently withdrawn on 22 July 2021. The current guidance on moving home during coronavirus (COVID-19) was published on 22 July 2021 and was last updated on 6 January 2022 (Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government, 2020). This makes no reference to domestic abuse and/ or violence.

Thus, while the earlier guidance showed some limited connectivity between domestic abuse and housing, recognising domestic abuse as a reason for essential moves, the guidance makes little reference to working with domestic abuse policy sector. Later versions of the guidance do not refer to domestic abuse at all, thus suggesting reduced connectivity.

DAHA have also produced a variety of guidance documents and gathered links to resources published by other organisations for housing providers, homelessness services, the private rented sector, housing practitioners, victim-survivors, employers, information shared by other domestic abuse organisations and government guidance (DAHA, 2022).

DAHA's own guidance includes guidance for housing providers during COVID-19 (DAHA, 2020a). This provides advice about:

- "spotting the signs,"
- the support that is available for victim-survivors/providers
- "raising awareness with all tenants,"
- how to develop "a helpful response to survivors of domestic abuse,"
- advice "for residents who are worried about a neighbour, friend or relatives,"
- "taking action against perpetrators,"
- "supporting staff and colleagues,"
- support for those with pets and additional resources (*ibid.*: p.1).

In May 2020, DAHA published *Housing Providers & Refuges: Tackling move-on together during COVID-19* (DAHA, 2020b). This detailed "an initiative led by the Domestic Abuse Housing Alliance (DAHA), Women's Aid Federation of England, National Housing Federation and the Chartered Institute of Housing to bring the housing sector and refuges together to get survivors who are ready for move on right now into a safe home" (*ibid.*: p.1).

DAHA's May 2020 *Guidance for Private Landlords during COVID-19* also provides guidance for private landlords about how to "spot the signs" and what their role is in terms of "recognis[ing] abuse and signpost[ing] victim-survivors to specialist domestic abuse support" (DAHA, 2020c: pp. 1-2). It also provides details on sanctuary schemes, "raising awareness when it is not safe to talk," evictions and rent and links to domestic abuse support organisations and other information (*ibid.*: pp. 3-6).

Department for Levelling Up, Housing & Communities, Department for Work & Pensions and Ministry of Housing, Communities & Local Government – Guidance: Supported housing: national statement of expectations (October 2020)

The national statement of expectations is for those working in supported housing, whereby "accommodation is provided alongside support, supervision or care to help people live as independently as possible in the community" (Department for Levelling Up, Housing & Communities et al., 2020: no page). One of the categories supported is "[p]eople fleeing domestic abuse and their children" (*ibid.*). The guidance emphasises the importance of collaborative working with a variety of agencies including "local domestic abuse partnership boards" (*ibid.*).

The guidance thus shows some connectivity between housing and domestic abuse, recognising domestic abuse victim-survivors as one group requiring supported housing and the need for partnership working between these different areas of policy.

Department for Levelling Up, Housing and Communities/ MHCLG – Guidance for landlords and tenants (last updated December 2021)

This is “non-statutory guidance for landlords and tenants in the private and social rented sectors on: 1. Rent, mortgage payments and possession proceedings; 2. Health and safety obligations, repairs and inspections in the context of coronavirus (COVID-19)” (Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government, 2022a:no page). It only makes one reference to domestic abuse under anti-social behaviour, stating that “from 29 August 2020, for notices in relation to anti-social behaviour, certain cases of domestic abuse in the social sector and rioting, the required notice periods have returned to their pre-*Coronavirus Act 2020* lengths” (*ibid.*).

The guidance thus shows minimal connectivity with domestic abuse, with only one reference to domestic abuse which appears to be subsumed as an element of anti-social behaviour.

Department for Levelling Up, Housing and Communities/ MHCLG – Guidance for local authorities (last updated December 2021)

This guidance was developed with the purpose being “to advise local authorities in England how to effectively enforce standards in rental properties (including housing association properties), meet their legal duties and support landlords and tenants during the unprecedented challenges posed by the coronavirus (COVID-19) outbreak” (Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government, 2022b: no page). It makes no reference to domestic abuse.

b. Emergency Domestic Abuse policy initiatives introduced as a result of COVID-19

Local Government Association – Tackling domestic abuse during the COVID-19 pandemic: Resource for councils (May 2020)

This guidance provides an overview about domestic abuse, outlines how victim-survivors can be supported while perpetrators’ behaviour is tackled and then outlines the steps that councils can take and provides guidance and resources for them. The recommendations for Councils are to:

- “Ensure strong partnership working with the police, housing and health services, the domestic abuse sector and wider agencies. . .
- Ensure there are regular updates about the safe accommodation options available for domestic abuse victims. . .
- Identify what safeguarding arrangements are needed for children and young people in domestic abuse households. . .
- Identifying how Safeguarding Adult Boards (SABs) can provide support. . .
- Support messaging across all agencies that:
 - Reassures **anyone at risk of, or experiencing, domestic abuse that help is available, and the police will respond in an emergency**
 - Challenges **perpetrator’s abusive behaviour to prompt them to seek help and take responsibility for their actions...**
- Raise awareness of the Home Office’s public awareness campaign #YouAreNotAlone. . .

- Raise awareness of the Respect campaign #NoExcuseforAbuse which targets perpetrators to recognise when their behaviour has become abusive and urges them to reach out for help and guidance...
- Highlight which domestic abuse support services and perpetrator programmes are still open and available
- Set up virtual meetings to continue Multi-Agency Risk Assessment Conferences (MARAC)" (Local Government Association, 2020: pp. 7-13).

The guidance clearly recognises the need for partnership and inter-agency working between housing and domestic abuse, and other sectors, including the police and health.

Apart from the LGA initiative above, the study identified few England-only domestic abuse policies instigated as an emergency response to the pandemic. However, Stanley et al. (2021), noted "increased calls" for perpetrators rather than victim-survivors to be rehoused in emergency accommodation, identifying "some regional examples of promising practice in this regard" (ibid.: pp. 45-46), such that they identified "a significant shift" in policy thinking in England (ibid.: p. 51), noting its broad alignment with the Scottish 2021 *Protective Orders Act*.

5.3 UK-wide interventions

There have also been a variety of additional emergency measures developed across the UK for victim-survivors needing to escape domestic abuse (see DAHA, 2022, for a compiled list). These tended to focus on providing mechanisms by which survivors could identify themselves as experiencing abuse, and begin to seek help. Stanley et al., (2021) suggest that some "innovative" policy initiatives were "fast-tracked" during the pandemic, such as some of the examples below.

Rail to Refuge was an initiative introduced in April 2020 at the beginning of the pandemic and established between Women's Aid and rail companies to provide free train travel for women, men and children travelling to refuge accommodation to escape domestic abuse (Women's Aid, 2021b). This national scheme followed interventions introduced by regional train providers, such as Great Western Railway and Southeastern (Rail Delivery Group, 2020).

In May 2020, Hestia launched the *UK SAYS NO MORE Safe Spaces* (see: UK SAYS NO MORE, 2022) campaign which provided safe spaces in Boots, Morrisons, Superdrug and Well pharmacies where those escaping domestic abuse "can contact specialist domestic abuse services for support and advice" (Hestia, 2020: no page). It was launched "in response to the desperate situation facing many victims who are isolating with perpetrators during lockdown" (ibid.).

In January 2021, a codeword scheme, named *Ask for ANI*, was launched by pharmacies to help those trying to escape domestic abuse (Home Office et al., 2021). If someone Asks for ANI, "a trained pharmacy worker will offer a private space where they can understand if the victim needs to speak to the police or would like help to access support services such as a national or local domestic abuse helpline" (ibid.: no page).

While the *Silent Solution* system was introduced by the Police before the pandemic, there was an emphasis on promoting awareness of it amongst victim-survivors of domestic abuse at the start of the pandemic (Independent Office for Police Conduct, 2020). This initiative helps those who need assistance but who are unable to speak by allowing them to press 55 from a mobile to be transferred to police management, who then try and ask questions to help them (Independent Office for Police Conduct, n.d.).

Another service that was in place before the pandemic, but has sought to increase awareness since the pandemic started, is the *Freedom Project*. This provides "temporary foster for dogs belonging to families fleeing domestic violence" or abuse (Dogs Trust, n.d.: no page). *Paws Protect* is also run by the Cats Protection League to provide a temporary fostering service for cats if victim-survivors are leaving their home for safety (Cats Protection, 2022).

5.4 Conclusions

These findings indicate that, during the pandemic within Scottish housing policy, there were a number of developments with respect to emergency provision for victim-survivors and guidelines developed for housing providers on a range of issues, including NRPF to an extent. Evidence of connectivity with the domestic abuse policy world from the housing world is not strong, perhaps reflecting the rapidity with which developments took place. Likewise, there was a significant level of policy activity in the domestic abuse sphere, but again policy connectivity was limited.

In England, there have been various developments in housing and health in relation to emergency provision and domestic abuse. However, some of these developments from the domestic abuse policy world were UK-focussed, rather than England-specific. This may be due to various developments being ongoing prior to the pandemic, with a greater focus on the *Domestic Abuse Act* rather than emergency responses.

However, as chapter 5 indicates, the Domestic Abuse Commissioner coordinated regular meetings which brought the domestic abuse sector into regular, programmed communication with key Government officials. This level of communication may be an enduring legacy of the profile that domestic abuse experienced as a result of the pandemic. However, it is likely also to be attributable to the creation of the DAC Office in and of itself, the creation of which intersected with the pandemic.

Across the UK there have been a range of other interventions, such as telephone helplines and the use of pharmacies as safe spaces which, while not being led by government, have been developed in partnership. Such initiatives certainly suggest growing awareness of the complexity and challenge of routes out of abuse and seem to have been given some impetus by the pandemic, not least the 'stay at home' message.

6. Reflections on the impact of the COVID-19 pandemic and looking to the future

6.1 Introduction

The previous chapters of this report clearly demonstrate increased interest over recent years in the connectivity of housing and domestic abuse policies. In particular, the discussion highlights augmented understanding of the importance of housing policy for the ability of victim-survivors of domestic abuse to gain secure, sustainable homes. Whilst a clear direction of travel is identified, it is also evident that the process of moving forward has not always been straightforward. In addition, some important differences between Scotland and England have been highlighted.

Chapters three and four also indicate that the COVID-19 pandemic may have impacted in relatively limited ways on the development of those policies live and 'at stake' when the pandemic began. Chapter Five however demonstrates a quite significant emergency response to the needs of victim-survivors, from both the housing and domestic abuse sectors — although in some cases, there was only limited collaboration between the sectors in devising this response.

In chapter six, we consider the impact of the pandemic more broadly on the policy process and agenda at the domestic abuse and housing interface. The chapter looks beyond immediate impacts on specific live policies and considers the views of key stakeholders on wider impacts on the policy process within and across the two nations. The first part of the chapter focuses on these wider COVID-19 impacts.

The second part of the chapter turns to consider the views of interviewees on the future development of policy at the intersection of the two policy areas. This section also considers whether COVID-19 could have an enduring legacy.

6.2 The impact of the COVID-19 pandemic on the domestic abuse/housing policy agenda

Chapters three and four highlighted only limited impacts of the pandemic on the specific policies which were under development prior to the end of 2021. Thus, some minor changes to legislative and other timetables were identified in both nations. Further, the discussion highlighted that the pandemic was rarely referred to in the policy process during this time. When it was mentioned, as was the case in some of the debates that marked the progress of the 2021 *Domestic Abuse Act* through the Westminster Parliament, there was little indication that such mentions led to substantive change although they may have demonstrated some greater understanding of issues concerning 'home' for victim-survivors of domestic abuse.

In what follows, we identify three themes which emerged from the views of stakeholders on the broader impacts of the pandemic on the domestic abuse/housing policy process.

6.3 The impact of the pandemic on awareness and understanding of domestic abuse

Almost all interviewees were clear that an important consequence of the pandemic was that it had substantially increased awareness of domestic abuse amongst the public, in the media, and with those involved in political/ policy processes.

One effect was that the crisis had created the conditions for greater public empathy with victim-survivors to develop:

‘It’s almost like ... the [pandemic has] shaken people. They understand their own world has changed and ... that’s allowed them to see other people’s situations.
(Stakeholder 2, Domestic Abuse)

For Stakeholder 11 (Housing) it also created a greater degree of understanding amongst people with “a comfortable, nice house” of the wider impacts of the “difference between being well housed and not well housed.”

There was felt to have been a substantial media focus on violence against women, both within the UK and overseas, early on in the pandemic period: “[the pandemic] has highlighted the issue massively” (Stakeholder 11, Housing). For some, including this same interviewee, it was difficult to disentangle the impact of the pandemic from that of policy initiatives, especially that of the Domestic Abuse Bill progressing through the Westminster Parliament, on media coverage of domestic abuse. And at least two interviewees were sceptical that increased media coverage would result in policy change: “there’s a lot of news coverage but I don’t see anything changing on the ground” (Stakeholder 7, Domestic Abuse).

Some interviewees were largely positive about there being an increased level of awareness of domestic abuse among policy makers:

“I think generally, the impact of the pandemic on women has been seen and understood much more clearly, by policymakers, decision makers, power holders.... An impact, therefore, on violence against women and girls, the targets and aims, both of government and local government that’s been really highlighted.”
(Stakeholder 3, Domestic Abuse)

“There has been much more of a recognition of the prevalence of domestic abuse and the impact of the pandemic or lockdowns on the exacerbation of the experiences of women and children”
(Stakeholder 4, Domestic Abuse)

There were mixed views on whether improved awareness of domestic abuse had improved levels of understanding of its causes and dimensions. Thus, for Stakeholder 3 (Domestic Abuse) awareness of gender inequality had usefully not been “diluted” and indeed may have been heightened as the disproportionate impact of the pandemic on women more generally became clear: that, for example, some women were experiencing a “double pandemic” of both violence and COVID-19. However, several interviewees noted that the pandemic could be framed in public discourse as an explanation for abuse to arise, rather than as an amplifier or intensifier of it. Stakeholder 17 (Domestic Abuse) was concerned that the “messages coming out around the pandemic” presented a challenge to understandings of abuse as gendered and structural. Thus, they:

“I leant too far into the sort of factors that excuse perpetrators of domestic abuse, ... when really we know that often ... the perpetrator has already been controlling this victim or survivor, but it’s maybe escalated during lockdown or the survivor’s routes to making themselves safe, have been shut down”.
(Stakeholder 17, Domestic Abuse)

There were also concerns that media reporting of abuse misrepresented its dimensions: “the media misunderstands that domestic abuse is not just physical but involves coercive control” (Stakeholder 7, Domestic Abuse). Conversely however, Stakeholder 2 (Domestic Abuse) suggested that post lockdown, the “impact of financial abuse is better understood now”, noting that some banks and landlords had increased the flexibility of some of their practices, and had indeed begun to work directly with organisations such as Safe Lives and DAHA to improve their understanding of abuse and their potential roles in addressing it.

In addition, there were mixed views on the extent to which interviewees thought that the pandemic had highlighted the importance of housing issues to the experience of domestic abuse. There was a strong consensus that the shared experience of lockdown, especially the shock of the ‘stay at home’ instruction, had led to increased concern for the plight of those in abusive relationships. According to Stakeholder 2 (Domestic Abuse) “the phrase ‘locked down with your abuser’ made people think”. However, Stakeholder 10 (Domestic Abuse /Housing) suggested that a nuanced appreciation of the likely impacts was necessary. Thus while “the pandemic has actually shone a spotlight on that part of the system [and may be] a driver for change”:

“I think we still come up against the barriers of not enough housing supply, we come up against the barriers of not being able to get women into temporary accommodation quickly enough, or out of temporary accommodation into permanent housing quickly enough.”
(Stakeholder 10, Domestic Abuse/Housing)

Following on from whether the pandemic raised awareness of domestic abuse is the question of whether this led to the creation of the ‘policy space’ for domestic abuse.

Stakeholder 8 (Housing) was of the view that the pandemic had moved domestic abuse further up the policy queue:

“It’s made it more urgent, absolutely, I don’t see any slackening of pace or prioritisation from the Scottish Government, CoSLA and local authorities”

Likewise, Stakeholder 10 (Domestic Abuse/Housing) recognised that the pandemic had given impetus to policy development on domestic abuse. They were, however, also concerned that it was one among many issues competing for such attention:

“I think the last year has probably given everything a bit more of an emphasis, but it’s how you make sure that that need is not lost with all the other voices that are competing with the impetus that they’ve been given over the last year”.

6.4 The impact of the pandemic on collaboration between the domestic abuse and housing sectors

Stakeholders from both Scotland and England identified examples of improved communication and access to strategic actors at high levels in the policy process as a consequence of the pandemic. Thus Stakeholder 4 (Domestic Abuse) highlighted that:

“[The domestic abuse sector] certainly had really constant contact with the Scottish Government over various aspects of the work that we do, not just housing and homelessness work but across justice, for example.”

In England, as detailed in chapter four, high level communication was facilitated by the Domestic Abuse Commissioner who took on responsibility for ensuring communication and co-ordination between the domestic abuse sector and central government departments during the crisis period of the pandemic. Participants reported that improved levels of communication seemed to have been maintained.

Stakeholder 3 (Domestic Abuse) was of the view that the pandemic “forced some good working.” They suggested that, prior to the pandemic, other sectors including the housing sector and housing providers could claim: “well it’s not ...really to do with us. That’s not, that’s not our business.” However, since the pandemic:

“I think people understand that it is everybody’s business. There are core services, and I think housing is one of them, that has really elevated it’s knowledge and understanding and awareness of how important housing responses are in relation to pathways to support and protect victims of violence.”
(Stakeholder 3, Domestic Abuse)

In a similar vein, Stakeholder 12 (Domestic Abuse) identified a “shift in culture” within housing organisations: “Violence against women has become more visible, there’s recognition that its everyone’s business.” Stakeholder 4 (Domestic Abuse) identified:

“some amazing collaboration during the pandemic where housing providers, because of all of the publicity and awareness, they were literally contacting local specialist services ... and saying ‘can we give you some properties to provide move on?’ And actually partnerships were created that didn’t exist previously and really positive ones”

An example was given by Stakeholder 12 (Domestic Abuse) of an area where the “gold command approach” was adopted by a range of services “looking at the pandemic as a problem for an area ... and everybody coming round the table ... everybody has got to then go, ‘okay what are we going to do?’ and everybody gets together in a positive and proactive way”. They suggested that the fact the “people were not doing their normal job... [that] all of a sudden the way you were working changed, and more was expected of organisations as well and having to pull together” could have some longer lasting impacts on collaboration between the sectors.

Stakeholder 14 (Domestic Abuse/Housing) also identified practical outcomes of the raised profile of housing aspects of domestic abuse as a result of the pandemic. They suggested that it may have had an impact on “understanding that actually housing is just so much bigger and the options need to be much, much greater than refuges” within local government. The interviewee explained that they were aware that, when local authorities were drawing up their strategies to respond to the Part 4 Duty to provide “safe accommodation”, they were now looking “beyond refuges” and considering more dispersed models of provision as well as funding models that would allow victims to stay safely in their own home or be rehoused immediately without taking the step of moving to a refuge. It “has really changed the landscape” (Stakeholder 14, Domestic Abuse/Housing).

In a less positive vein, Stakeholder 2 (Domestic Abuse), cautioned that the pandemic could have created “crisis thinking”, which could lead both to inappropriate firefighting solutions such as “throwing technology at the issue” (providing networked devices to women and girls to aid communication whilst at the same time being recognised as means of increasing surveillance by perpetrators) which could lead to a more “siloesd” approach. More often however, interviewees were more optimistic:

“Sometimes you need a driver for change, and I think that whilst there was great stuff happening, I think this [pandemic] is the catalyst that it’s, you know, [time] to take it forward”.
(Stakeholder 3, Domestic Abuse)

Finally, it’s important to highlight that concerns were also indicated by a number of participants from the domestic abuse sector about the potential impact of some forms of inter-sectoral collaboration. These centred on the nature and level of involvement of housing providers in specialist domestic abuse services.

Thus, for Stakeholder 17 (Domestic Abuse), the danger that, as housing becomes more central to the delivery of domestic abuse services, that specialisms developed in the domestic abuse sector are diluted or challenged was:

“definitely something that is important to look out for ... The approach from DAHA is really that housing providers that are being responsive to domestic abuse do not replace specialist domestic abuse services.”

The interviewee argued that while interagency coordination was vitally important, that it is important to respect the particular role of domestic abuse services:

“domestic abuse services offer something completely different when it comes to the specialist support available to victims and survivors. ... It is really crucial to acknowledge that there’s a difference between that generic accommodation service that is responsive, [that has] a domestic abuse policy, [has a] strong training around domestic abuse, but [doesn’t] have that specialism that domestic abuse services have in being dedicated to support victims and survivors of domestic abuse There’s a whole host of specialisms that that sector provide that aren’t covered by generic housing providers that might be accredited, that might have really great policies, but it’s just not the same thing”.
(Stakeholder 17, Domestic Abuse)

Stakeholder 4 (Domestic Abuse) highlighted a shared concern about the limited funds available to support domestic abuse services, arguing that the sector is in “a funding nightmare and crisis”, and that there was a danger that non-specialist services could “take [funding] away from local specialist services.” This participant, in common with some others, also suggested that there could be a tendency for non-specialist organisations to “get very excited about a new idea [to them]” without understanding already-existing expertise, policy and practice – thus undermining the potential for collaboration to be “an additive.” Stakeholder 12 (Domestic Abuse/ Housing) suggested that there was a “danger” that housing providers could assume that by developing domestic abuse strategies that they had become “experts” in the field. In their view, they needed to be reminded to “refer to the experts”. However, Stakeholder 4 (Domestic Abuse) was also clear about the mutual dependency between the two sectors:

“without housing providers, a lot of refuges wouldn’t exist. ... They have to coexist, but they have to coexist in a supportive collaborative way ... So it’s about how ... you educate both sides.”
(Stakeholder 4, Domestic Abuse)

6.5 Connectivity between domestic abuse and housing policy: views of the future

An issue for this research was to explore with participants if they thought that the pandemic might lead to an increased level of policy connectivity between the two fields in the future. Could the higher profile of domestic abuse, the pandemic-related policy window and improved inter-sectoral collaboration lead to ‘something better’? Participants’ views of the future coalesced around a number of themes, summarised below.

The first theme was in relation to the durability of change as a result of the increased profile of domestic abuse emerging through the pandemic. Some participants shared a degree of optimism on this point. Stakeholder 12 (Domestic Abuse) expected a “lasting impact” of the pandemic and Stakeholder 17 (Domestic Abuse) thought that there “was a lot of really exciting stuff coming up”. Stakeholder 11 (Housing) was slightly more equivocal:

“Yeah, I think we definitely will do. I hope we do. In terms of ... just realising the importance of having a nice home and people having somewhere healthy to live. I hope that the lessons are drawn from it.”

Others contrasted the “huge amount energy” at the beginning of the pandemic borne of “a lot of change, a lot of uncertainty” with the more recent period in which the momentum of policy change was less apparent (Stakeholder 5, Housing). Stakeholder 1 (Housing) questioned whether, ultimately, domestic abuse might be “deprioritised within housing policy given the backlog of work arising from the pandemic”. They pointed to how staffing shortages and funding constraints in the housing sector may reduce the capacity of the sector fully to take on the learning and change needed. Likewise, Stakeholder 2 (Domestic Abuse) worried that the “flexibility” shown by the housing sector in terms of quickly rehousing victims during the pandemic would not be maintained, noting though that the crisis had shown what was possible.

There was also concern that the post-pandemic context was likely to create a set of new problems which the policies, practices and resources of the periods prior to and during the pandemic would be unable to deal with. Thus Stakeholder 3 (Domestic Abuse) warned that “the worst is yet to come – when things ease ... that’s when a lot of women will seek support to leave if they have not been able to – services and housing in particular need to be ready for this.” They thought that the profile that the pandemic had afforded domestic abuse within the housing sector, meant that there were now “more allies in the housing system”. However, they were concerned as to whether resources and capacities would be sufficient to meet “the challenges about to be faced.”

A second theme of the discussions was the impact of the profile of domestic abuse during the pandemic, and of wider policy developments, on a gendered analysis of its causes and consequences. On this point, participants who voiced a view were more divided. Stakeholder 2 (Domestic Abuse) took a long view of the extent to which gender-based inequality was central to policy understanding of domestic abuse, indicating that there were “peaks and troughs” to understanding. They were of the view that the analysis did not “seem to have been diluted during the pandemic” but thought it “too early to say” whether this would be maintained.

Amongst participants from Scotland, there was also some optimism that post-pandemic recovery would emphasise cross-departmental working more than previously. This, plus developments which embedded equalities within the structure of individual government departments as noted in Chapter Three (rather than silo it via its own directorate) might lead, in the view of some participants, to Scottish government policy being built on a stronger gendered perspective. Stakeholder 4 (Domestic Abuse), for example, told of how VAWG organisations had recently been consulted on how policy on VAWG issues could work within a cross departmental framework, suggesting “recognition that [this] had not been achieved before.”

Such issues were not central to the discussions with participants from England. However, there was some concern expressed that the profile which domestic abuse had had as a result of both the pandemic and *2021 Domestic Abuse Act* was resulting in male victims coming forward: “there’s been a lot of push around some issues that affect ... male victims. [That they] should receive the support that they need.” (Stakeholder 17, Domestic Abuse.) In the view of this participant, this had meant that the “gendered nature [of abuse], it’s something that’s coming up a lot ... in the last ... year”. Along with Stakeholder 13 (Housing), the interviewee argued that that it was important to ensure that “gender-informed services” continued to be provided and the strategies devised to ensure that appropriate services were provided clearly identified the gendered nature of need and ensured “service delivery reflects that level of need”.

A third theme related to the continuation of policy development in relation to the broad range of housing tenures. The work being done by DAHA with key actors involved in the private rented housing sector, such as landlords and financial institutions, was thought to be important in taking policy connections “beyond social housing”. (Stakeholder 11, Housing). In Scotland, this direction of travel was less advanced but the commitment is clearly signalled in the overarching aims of the Scottish Government working group. Likewise, increased understanding of the nature of economic and financial abuse by a range of key actors was considered to have usefully broadened understanding of the need for more connectivity in relation to owner occupation as well as in relation to both private renting and social housing. Stakeholder 2 (Domestic Abuse) noted that while banks were aware of their role in abuse prior to the pandemic, the experiences of it had helped them realise the “importance of the issue and so there’s been an acceleration of proactive engagement with VAW groups.” Stakeholder 13 (Housing) argued that banks, building

societies and other financial institutions had until recently “refused to engage in a debate” about the role that they could play in tackling domestic abuse “because they see it as not about them and their core people”. They suggested however that as the scope of policy had broadened in line with DAHA’s Whole Housing Approach to include owner occupation as a site of and solution to abuse, then “buy in” from such organisations might be achieved.

A number of participants highlighted the as yet unknown longer term policy effects of the major legislative developments that had occurred in each nation during the pandemic. This was the fourth theme that emerged in discussion about future connectivity.

Amongst English stakeholders, there was some optimism about the potential impact of the ‘roll out’ of the provisions of the *2021 Domestic Abuse Act*. Thus, the development of the strategic needs assessments of service provision and the resultant strategies will, according to Stakeholder 17 (Domestic Abuse), “be really important in terms of attacking the postcode lottery” in service provision thought to characterise the current situation. The proposed *Victims Bill* for England and Wales, and the associated consultation process (Ministry of Justice, 2021) was also thought to be an opportunity to “push for funding” for domestic abuse services delivered in the community rather than via accommodation providers. Finally, the recognition of children as victims of domestic abuse in their own right was thought to have important, but as yet unclear consequences for policy development at this intersection, in the view of Stakeholder 17.

Similarly, there was optimism that the *2021 Protective Orders (Scotland) Act* was a significant step in operationalising a ‘stay put’ agenda, such that victims retained their homes when an abusive relationship was exited. For some participants, reform of the *Matrimonial Homes Act 1981* would be required to more fully address this agenda. Stakeholder 4, Domestic Abuse also acknowledged that there were “a huge number of implementation issues” to be worked through particularly with regard to how Orders could be used to help victim-survivors in different tenures.

However, there was thought to be room for meaningful policy learning between Scotland and England in relation to the ‘stay put’ agenda in particular:

“I mean the staying put agenda’s become so big in Scotland recently, perhaps there’s room to listen to other nations and say ‘well hang on a minute, is that the direction to really go in or should we pull back, or should there be more of a stay put process elsewhere?’ You know, there’s lots that could be debated constructively”.
(Stakeholder 13, Housing)

Relatedly, a final theme of the discussions was that some participants highlighted the need for more collaboration and learning between the four nations of the UK in order to develop a coherent approach to policy connectivity:

“I think it would be great to see the four housing ministers talking about ‘where do domestic abuse and housing ... interactions and intersections [happen] in our thinking around domestic abuse?’ [Housing] is always the afterthought; it’s not seen as the cause, and it’s rarely seen as a solution.”
(Stakeholder 13, Housing)

7. Final reflections

In this final chapter, we briefly reflect on the progress being made in both Scotland and England towards connecting up the domestic abuse and housing policy worlds. The need for such connection should be apparent from the report – it is beyond dispute that sustainable routes out of domestic abuse require effective housing pathways and long-term solutions for victim-survivors in all tenures.

Scotland and England appear to have been on slightly different tracks until recently in terms of how policy has sought to reflect this requirement. The research has noted some differences – sometimes between the housing and domestic abuse policy worlds and sometimes between national government and third sector and campaigning organisations. It is worth noting that, as in any research which reveals tensions, it is important to recall that our interviews were held with a relatively small sample of participants – although the sample was constructed to obtain a range of the views of those most closely involved with the relevant policy issues and processes.

In Scotland, significant legislative development since 2018 has both shifted thinking about the nature of abuse and, more recently, about how to support victim-survivors to remain in their homes. The work of the Homelessness Prevention Group looks set to result in new duties to prevent homelessness which could have far reaching implications for how victim-survivors fare within the housing system. And the Scottish Government working group, which embeds collaboration between the domestic abuse and housing sectors, has made a set of significant recommendations for policy development in relation to social housing which have been accepted by the Scottish Government, with implementation planning underway. However, this research identified that some long-standing tensions remained between the two sectors, as well as concerns about continued siloed thinking. And, whereas significant progress has been made on the ‘stay put’ agenda, addressing housing issues systematically across all tenures is not yet mainstreamed within Scottish policy, with the work of the Scottish Government working group on agendas beyond social housing on hold at the time of writing.

In England, there has also been significant legislative development since 2020. The establishment of the Office of the Domestic Abuse Commissioner also suggests a commitment by the Westminster Government to raising the profile of domestic abuse within policy. Both the *2021 Act* and the DAC Office take forward agendas at the interface between housing and domestic abuse policy, with the focus of the DAC Office in particular being on joining up the work of public bodies and more effective collaboration with the third sector in order to help develop more integrated policy and services. However, in England, national government initiatives have been more than matched by long-standing attempts by third sector organisations such as DAHA and Standing Together to highlight and resolve issues arising from the disconnection between housing and domestic abuse. Here an ‘all tenures’ approach has had traction for some time – although there is mixed evidence as to the extent to which this ‘whole housing approach’ is being prioritised by national government. It may be the case that attention is also now turning to how to effectively address the ‘stay put’ agenda. In England, whereas tensions persist between national government and other stakeholders, particularly on the issue of victim-survivors with NRPF status, such tensions were not in evidence between the housing and domestic abuse policy worlds more generally.

Of course, while it is important to highlight the extent of legislative and policy development at the interface between housing and domestic abuse over a relatively short time frame, as well as the amplification of the profile of related issues by the COVID-19 pandemic, the key question is the extent to which these developments make a difference to policy and practice on the ground.

It was notable that whereas significant progress is clearly being made on bringing housing into the discussion about domestic abuse, questions regarding housing supply, affordability and quality seem largely absent from the agenda, although ongoing public expenditure constraint was clearly considered a significant issue by some. The import of what was considered by some to be the gender-blind nature of the housing system was raised only occasionally in the research process. How the housing system operates and with what resources seems to be something fundamental to address in order that the housing needs of victim-survivors can be properly addressed.

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